

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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A-1-FTB-23-0002 (CALTRANS DISTRICT 1 - FORT BRAGG)
AUGUST 9, 2023

APPENDICES

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Appendix A: Substantive File Documents

1. Appeal File No. A-1-FTB-23-0002
2. City of Fort Bragg's Local Record for CDP No. 6-22
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**Appendix B: Excerpts from City of Fort Bragg certified LCP Related to Public Access****RELEVANT LAND USE PLAN (LUP) POLICIES**

Policy LU-10.3 states:

The location and amount of new development shall maintain and enhance public access to the coast by: (1) facilitating the extension of transit services where feasible; (2) providing non-automobile circulation within the development that includes circulation connections outside of the development; (3) assuring that the recreational needs of new residents will be supported by onsite recreational facilities and/or off-site local park recreational facilities to ensure that coastal recreation areas are not overloaded; and (4) utilizing smart growth and mixed-use development concepts where feasible to improve circulation and reduce auto use, where such auto use would impact coastal access roads.

Policy PF-1.2 states, in relevant part:

Ensure Adequate Services and Infrastructure for New Development. No permit for development shall be approved unless it can be demonstrated that such development will be served upon completion with adequate services, including but not limited to potable water; wastewater collection, treatment and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal; as applicable to the proposed development.

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- b. Demonstration of adequate road facilities shall include information demonstrating that (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies; and (ii) that the traffic generated by the proposed development, and all other known and foreseeable development, will not cause Levels of Service (LOS) of roads, streets, and intersections within the City to reduce below LOS standards contained in Policy C-1.1 of the Circulation Element of the Coastal General Plan.

Goal OS-16 states: Maximize public access to and along the coast consistent with sound resources and conservation principles and constitutionally protected rights of private property owners.

Policy OS-16.1 states:

Coastal Access. Maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Provide public open space and shoreline access in the Coastal Zone. Acquisitions for coastal access shall not preclude the potential development of necessary infrastructure to support coastal-dependent uses.

Policy OS-16.2 states:

Right of Public Access: Development in the Coastal Zone shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Public prescriptive rights must be protected wherever they exist.

Policy OS-16.4 states:

New Development: Require public access from the nearest public roadway to the shoreline and along the coast in new development except where:

- a) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources;
- b) adequate access exists within 500 feet of the site; or
- c) access at the site would be inconsistent with other LCP policies, including but not limited to, expanded or new coastal-dependent industry or the protection of environmentally sensitive resources.

Policy OS-16.7 states:

Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development. Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to public access.

Policy OS-16.22 states:

Unless immediate action by a person or a public agency performing a public service is required to protect life and property from imminent danger, the City shall not close, abandon, or render unusable by the public any existing accessway which the City owns, operates, maintains, or is otherwise responsible for, without first obtaining a Coastal Development Permit. Any accessway which the City or any other managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private association that agrees to open and maintain the accessway for public use.

Program OS-16.22.1 states: Request the California Department of Fish and Game monitor public accesses adjoining or near sensitive environmental resources such as wetlands, dunes, tide pools, and other sensitive wildlife habitats to determine whether they are being adversely impacted or degraded. Request that regulations governing use of accesses be implemented and posted as needed. Limit public use, as needed, to allow resource recovery and restoration.

Goal OS-19 states: Provide a comprehensive trail system in Fort Bragg.

Policy OS-19.3 states:

Require new development to provide direct pedestrian connections, such as sidewalks, trails, and other rights-of-way to the existing and planned network of parks and trails wherever feasible.

Program OS-19.3.1 states: Consider the access needs of a variety of users, including schoolage children, the elderly, and those with handicaps or disabilities when developing trails and recreation facilities.

Goal OS-19 Provide a comprehensive trail system in Fort Bragg.

Policy OS-19.2 states:

Review development applications and require a trail easement dedication for locations where trails are shown on Map OS-3 where an appropriate nexus is established consistent with the provisions of Chapter 18.56 (Public Access) of the Coastal Land Use & Development Code.

Policy OS-19.3 states:

Require new development to provide direct pedestrian connections, such as sidewalks, trails, and other rights-of-way to the existing and planned network of parks and trails wherever feasible.

Program OS-19.3.1 states: Consider the access needs of a variety of users, including schoolage children, the elderly, and those with handicaps or disabilities when developing trails and recreation facilities.

Program OS-19.3.2 states: Support efforts to extend the existing trail from the end of Cypress Street east adjacent to the Georgia-Pacific haul road.

Policy C-2.2 states:

Improvements to major road intersections for public safety or increased vehicle capacity shall be permitted, as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with all policies of the LCP.

Policy C-6.2 states:

Improve Existing North Harbor Drive: Consider improvements to North Harbor Drive to increase capacity and safety for vehicles and pedestrians. Any improvements to North Harbor Drive shall be consistent with all applicable policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.

Policy C-2.8 states:

Continuation of Streets: Require the continuation of streets and bicycle and pedestrian paths through new developments wherever possible.

Policy C-11.1 states:

Regulations for Disabled Persons: Enforce Federal and State regulations regarding access for persons with disabilities.

Policy C-11.2 states:

Handicapped Access. In conformance with State and Federal regulations, continue to review all projects for handicapped access and require the installation of curb cuts, ramps, and other improvements facilitating handicapped access.

RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS

Section 17.56.010 states:

Purpose.

This Section provides requirements for the dedication and improvement of public access to, and along the coast, in conjunction with proposed development and new land uses. The intent of this Section is to ensure that public rights of access to and along the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this Section in compliance with the California Coastal Act.

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Appendix C: Excerpts from City of Fort Bragg certified LCP Related to Environmentally Sensitive Habitat Areas

RELEVANT LAND USE PLAN (LUP) POLICIES

Goal OS-1 states: Preserve and Enhance the City's Environmentally Sensitive Habitat Areas.

Policy OS-1.1 states:

Definition of ESHA. "Environmentally sensitive habitat area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Protection of environmentally sensitive habitat areas is one of the essential aspects of the Coastal Act. Fort Bragg has several environmentally sensitive habitat areas including, but not limited to, portions of coastal bluffs, biologically rich tide pools, nesting grounds, kelp beds, wetlands, riparian habitats, and rare, threatened, or endangered plants or plant communities.

Areas that may contain environmentally sensitive habitat areas include, but are not limited to, areas indicated by Map OS-1: Open Space and Environmentally Sensitive Habitat Areas. The environmentally sensitive habitat areas shown on Map OS-1 are based on the best information available at the time mapping was done. The boundaries of environmentally sensitive habitat areas identified in Map OS-1 are not intended to be definitive, but to identify the general location of sensitive environmental resources. Detailed locations and boundaries of these resources shall be obtained by the preparation of biological reports described in Policy OS-1.7.

Policy OS-1.2 states:

Determination of ESHA. The determination of what constitutes ESHA shall not be limited by what is mapped and not all parcels that are mapped necessarily contain ESHA. Map OS-1 serves to identify those general areas known to potentially contain ESHA and for which a biological report is required consistent with Policy OS-1.7 to substantiate the presence or absence of ESHA on any particular parcel. Any area not designated on LUP Map OS-1 that meets the ESHA definition is ESHA and shall be accorded all the protection provided for ESHA in the LCP. All habitat maps shall include a note that states that "the maps may be updated as appropriate and may

not include all areas that constitute ESHA.” The following areas shall be considered ESHA:

- Any habitat area that is rare or especially valuable because of their special nature or role in an ecosystem and is easily degraded or disturbed by human activities or developments.
- Any habitat area of plant or animal species designated as rare, threatened, or endangered under State or Federal law.
- Any habitat area of species designated as Fully Protected or Species of Special Concern under State law or regulations.
- Any habitat area of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.

Program OS-1.2.1 states: Update the mapping of environmentally sensitive habitat areas as new information becomes available.

Policy OS-1.7 states:

Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Policy OS-1.8 states:

Development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, other relevant resource agencies, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and in no event shall be less than 30 feet in width.

Policy OS-1.9 states:

Utilize the following criteria to establish buffer areas:

- a. Biological Significance of Adjacent Lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.
- b. Sensitivity of Species to Disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:
 - (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;
 - (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;
 - (iii) An assessment of the impact and activity levels of the proposed development on the resource.
- c. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.
- d. Use natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.
- e. Use existing man-made features. Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.

- f. Lot Configuration and Location of Existing Development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection.

Policy OS-1.13 states:

Landscaping Adjacent to ESHA. All development located within or adjacent to environmentally sensitive habitat areas shall be conditioned to:

- a) Require all proposed plantings be obtained from local genetic stocks within Mendocino County. If documentation is provided to the review authority that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used; and if local genetic stocks within the floristic province are unavailable, the Director may authorize use of a commercial native mix, provided it is clear of invasive seed. Director may also authorize use of a seed mix that is selected for rapid senescence and replacement with native stock; and
- b) Require an invasive plant monitoring and removal program; and
- c) Prohibit the planting of any plant species on the property that is (a) listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.

Policy OS-1.16 states:

Biological Report Required.

- a) Permit applications for development within or adjacent to Environmentally Sensitive Habitat Areas including areas identified in Map OS-1 or other sites identified by City staff which have the possibility of containing environmentally sensitive habitat shall include a biological report prepared by a qualified biologist which identifies the resources and provides recommended measures to ensure that the requirements of the Coastal Act and the City of Fort Bragg's Local Coastal Program are fully met. The required content of the biological report is specified in the Coastal Land Use and Development Code.
- b) Submittal of Biological Reports. These biological reports shall be reviewed by the City and approving agencies. The biological reports described above shall be submitted prior to filing as complete a coastal development permit application and may also be submitted as a part of any environmental

documentation required pursuant to CEQA. The selection of the professional preparing the report shall be made or approved by the City or the agency approving the permit and paid for by the applicant.

- c) Biological reports shall contain mitigating measures meeting the following minimum standards:
 - i. They are specific, implementable, and, wherever feasible, quantifiable.
 - ii. They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption.
 - iii. They are incorporated into a Mitigation Monitoring Program; and
 - iv. They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

Goal OS-2 states: Preserve and enhance the City's other natural resources.

Policy OS-2.1 states:

Riparian Habitat: Prevent development from destroying riparian habitat to the maximum feasible extent. Preserve, enhance, and restore existing riparian habitat in new development unless the preservation will prevent the establishment of all permitted uses on the property.

Program OS-2.1.1 states: To the maximum extent feasible, preserve, protect, and restore streams and creeks to their natural state.

Goal OS-5 states: Preserve areas with other biotic resources.

Policy OS-5.1 states:

Native Species: Preserve native plant and animal species and their habitat.

Policy OS-5.2 states:

To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

Policy OS-5.4 states:

Condition development projects, requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.

Program OS-5.4.1 states: Request that Caltrans, PG&E, and the County of Mendocino remove pampas grass and broom from their rights-of-way. The City shall strive to remove these plants from City-owned rights-of-way.

Goal C-2 states: Develop and manage a roadway system that accommodates future growth and maintains acceptable Levels of Service while considering the other policies and programs of the Coastal General Plan.

Policy C-2.2 states:

Improvements to major road intersections for public safety or increased vehicle capacity shall be permitted, as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with all policies of the LCP

Policy C-2.8 states:

Continuation of Streets: Require the continuation of streets and bicycle and pedestrian paths through new developments wherever possible.

Goal C-6 states: Improve access to the North Part of the Noyo Harbor.

Policy C-6.2 states:

Improve Existing North Harbor Drive: Consider improvements to North Harbor Drive to increase capacity and safety for vehicles and pedestrians. Any improvements to North Harbor Drive shall be consistent with all applicable policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.

Goal C-11 states: Provide mobility-impaired persons with access to transportation.

Policy C-11.1 states:

Regulations for Disabled Persons: Enforce Federal and State regulations regarding access for persons with disabilities.

Policy C-11.2 states:

Handicapped Access. In conformance with State and Federal regulations, continue to review all projects for handicapped access and require the installation of curb cuts, ramps, and other improvements facilitating handicapped access.

RELEVANT LUP GLOSSARY DEFINITIONS

LUP defines “Endangered Species, California” as:

A native species or sub-species of a bird, mammal, fish, amphibian, reptile, or plant, which is in serious danger of becoming extinct throughout all or a significant portion of its range, due to one or more factors, including loss in habitat, change in habitat, over-exploitation, predation, competition, or disease. The status is determined by the State Department of Fish and Game together with the State Fish and Game Commission.

LUP defines “Endangered Species, Federal” as:

A species which is in danger of extinction throughout all or a significant portion of its range, other than the species of the Class Insect as determined to constitute a pest whose protection under the provisions of the 1973 Endangered Species Act, as amended, would present an overwhelming and overriding risk to humans. The status is determined by the U.S. Fish and Wildlife Service and the Department of the Interior.

LUP defines “Environmentally Sensitive Habitat Area (ESHA)” as:

Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in the ecosystem and which could be easily disturbed or degraded by human activities and developments.

LUP defines “Environmentally Sensitive Habitat Area (ESHA) Buffer” as:

A transitional area adjacent to environmentally sensitive habitat that provides distance and physical barrier to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and in no event shall be less than 30 feet in width.

LUP defines “Habitat” as:

The natural environment of a plant or animal.

LUP defines "Riparian Corridor" as:

A general term for lands running parallel to and along a creek or stream, which lands constitute the ecosystem and potentially environmentally sensitive habitat for animal and plant life of said creek or stream.

LUP defines "Riparian Habitat" as:

Land and plants bordering a water course.

LUP defines "Stream" as:

A stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established.

LUP defines "Threatened Species, California" as:

A native species or sub-species of a bird, mammal, fish, amphibian, reptile, or plant that, although not currently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of special protection and management efforts required by Chapter 1.5 of the State Department of Fish and Game Code.

LUP defines "Threatened Species, Federal" as:

A species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

LUP defines "Wetland" as:

(1) Wetland means lands which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetlands are usually lands where the water table is at, near or above the land surface long enough to do either of the following: a) promote the formation of (hydric) soils that are saturated with water at or near the surface and are deficient of oxygen long enough during the growing season to result in soil properties that reflect dominate wetness characteristics near the soils surface (within 10"); or b) support the growth of hydrophytic plants which grow in water or in wet

habitats, and include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. The upland limit of a wetland shall be defined as:

- A. the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
 - B. the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
 - C. in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
- (2) The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:
- A. the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
 - B. there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

RELEVANT IMPLEMENTATION PLAN STANDARDS

Section 17.50.010 states:

Purpose.

This Chapter provides standards for proposed development and new land uses to ensure the protection of sensitive coastal resources, to implement applicable provisions of the General Plan and Local Coastal Plan, and comply with the Coastal Act. Article 6 (Site Development Regulations) provides requirements, standards, and procedures for grading, erosion and sediment control, and urban runoff pollution control which also help to ensure protection of coastal resources.

Section 17.50.050 states, in relevant part:

Environmentally Sensitive Habitat Areas.

This Section provides requirements for the protection and enhancement of environmentally sensitive habitat areas (ESHAs), when development is proposed adjacent to, or within environmentally sensitive habitat areas.

- A. **Applicability.** The provisions of this Section apply to the review of coastal development permits for all development proposed on sites that include, are immediately adjacent to, or are within an ESHA defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In addition to compliance with this Section, all development within or adjacent to Wetland ESHA shall comply with Chapter 17.58. In addition to compliance with this Section, all development within or adjacent to River and Stream or Riparian ESHA shall comply with Chapter 17.52.
- B. **Biological resources report.** A planning permit application for development on a site that is subject to this Section shall include a biological resources report that complies with the following requirements. Biological reports required by this Section shall be submitted prior to filing as complete a coastal development permit application.
 1. **Qualifications of preparer.** The report shall be prepared by individuals approved by the City with demonstrated education, training, or experience to prepare these plans in a professional and competent manner. Acceptance of additional experts may be authorized by the permit review authority upon receipt of a resume demonstrating an individual's special capabilities. The permit review authority decision to accept or deny a consulting biologist shall be final.
 2. **Report contents for all ESHA.** A biological resources report shall include, but not be limited to:
 - a. A study identifying biological resources existing on the site;
 - b. An identification of "fully protected" species and/or "species of special concern," and an identification of any other species of rarity, including plants designated "1B" or "2" by the California Native Plant Society, that are present or have the potential to occur on the project site;
 - c. Photographs of the site;

- d. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;
- e. A site map depicting the location of biological resources;
- f. An analysis of the potential impacts of the proposed development on the identified habitat or species;
- g. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition;
- h. Project alternatives designed to avoid and minimize impacts to identified habitat or species;
- i. A buffer width analysis consistent with the requirements of Section 17.50.050(F) where an ESHA buffer less than 100 feet is proposed.
- j. An evaluation of the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures. Proposed mitigation measures shall meet the following standards:
 - i) They are specific, implementable, and, wherever feasible, quantifiable;
 - ii) They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption;
 - iii) They are incorporated into a Mitigation Monitoring Program; and
 - iv) They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

- k. An analysis of potential significant impacts on the habitat from noise, sediment, and other potential disturbances that may occur during project construction.
 - l. Recommendations for conditions of approval for habitat maintenance, and the restoration of damaged habitats, where feasible.
3. Wetland Delineation Report for Wetland ESHA.
- a. Where the biological study required by Section 17.50.050(B) above indicates the presence or potential for wetland species or indicators, the applicant shall additionally submit a delineation of all wetland areas on the project site.
 - b. Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in Section 13577(b) of the California Code of Regulations. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum a (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points, and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.
 - c. Information required by Chapter 17.58.050(B).

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D. General development standards.

- 1. Performance standards. All development adjacent to or within an ESHA shall comply with the following requirements:
 - a. New development shall be designed, sited, constructed, and maintained so as to not significantly disrupt the resource.
 - b. Where feasible, damaged habitats shall be restored as a condition of development approval.
 - c. Development shall be consistent with the biological continuance of the ESHA.

2. Vegetation removal. Existing native vegetation shall not be removed within an ESHA or an ESHA buffer except for: (1) vegetation removal authorized through coastal permit approval to accommodate permissible development, (2) removal of trees for disease control, (3) public safety purposes to abate a nuisance consistent with Coastal Act Section 30005, or (4) removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106.
3. Landscaping. A landscaping plan shall be submitted to the City for approval prior to construction for any site where development will disturb existing or potential native plant habitat. The plan shall provide:
 - a. After construction, disturbed undeveloped areas shall be replanted to provide for the reestablishment of a 100 percent vegetation cover within two years. At five years, the site should support the same habitat removed. Native non-invasive plant species that would provide bank stability and habitat enhancement should be used where applicable.
 - b. Remedial actions (e.g., planting of native species and removal of invasive horticultural species) shall be implemented as necessary to ensure that the site will consist of at least 75 percent native species at the end of five years.
 - c. Landscaping with exotic plants shall be limited to outdoor living space immediately adjacent to the proposed development.
 - d. Invasive non-native plants described in subsections 5(e)(i)&(ii) below and including, but not limited to, Pampas grass, Acacia, Genista, and non-native iceplant pose a threat to indigenous plant communities and shall not be approved as part of any proposed landscaping.
 - e. All development located within or adjacent to environmentally sensitive habitat areas shall be conditioned to:
 - i) Require all proposed plantings be obtained from local genetic stocks within Mendocino County. If documentation is provided to the review authority that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used; and if local genetic stocks within the floristic province are unavailable, the Director may authorize use of a commercial native mix, provided it is clear of problematic and/or invasive

seed. Director may also authorize use of a seed mix that is selected for rapid senescence to be subsequently complimented or replaced with native stock; and

- ii) Require an invasive plant monitoring and removal program; and
 - iii) Prohibit the planting of any plant species on the property that is (i) listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, and/or by the State of California, or (ii) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.
4. Fencing. Fencing within or adjacent to ESHAs shall be restricted to that which will not impact public views or the free passage of native wildlife, and shall employ design and materials determined by the review authority to be compatible with the visual and biological character of the habitat.
 5. Resource protection during construction. Habitat areas containing vegetation that is essential to the maintenance of the habitat and/or rare or endangered plant or animal species shall be protected from disturbance by construction activities. Temporary wire mesh fencing shall be placed around habitat prior to construction, and protected areas shall not be used by workers or for the storage of machinery or materials. Inspections for compliance shall occur during construction.
 6. Herbicide use. The use and disposal of any herbicides for invasive species removal shall follow the written directions of the manufacturer, shall comply with all conditions imposed by the City, and shall be accomplished in a manner that will fully protect adjacent native vegetation.
 7. Erosion and sediment control. During construction, temporary fencing shall be placed around the ESHA buffer area. Prior to issuance of a Coastal Development Permit or any required Grading Permit, an erosion control plan prepared by a registered professional engineer shall be submitted to the City Engineer for approval, including best management practices to minimize siltation, sedimentation, and erosion. To ensure that sediment remains on the site and is not transported into adjacent ESHA, erosion and sediment controls shall be left in place until the site is stabilized with permanent vegetation. ...

Section 17.52.050 states, in relevant part:

Development Standards.

- A. All development adjacent to riparian ESHA shall comply with the general development standards and ESHA buffer requirements of Sections 17.50.050 (D) and (H).

Section 17.62.060 states:

Removal of Native Vegetation:

Grading shall be designed and grading operations shall be conducted to minimize the removal or disturbance of native vegetation to the maximum extent feasible.

- A. Trees not approved for removal in the grading permit shall be protected from damage by proper grading techniques, and by fencing, and conducting no grading or heavy equipment operations within the protected zone of the tree.
- B. The limits of grading shall be clearly defined and marked to prevent damage to native vegetation by grading or construction equipment.
- C. All trees to be removed and retained, and all markings and protective devices shall be inspected and approved by the Department prior to the commencement of grading operations.

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Appendix C: Excerpts from City of Fort Bragg certified LCP Related to Environmentally Sensitive Habitat Areas

RELEVANT LAND USE PLAN (LUP) POLICIES

Goal OS-1 states: Preserve and Enhance the City's Environmentally Sensitive Habitat Areas.

Policy OS-1.1 states:

Definition of ESHA. "Environmentally sensitive habitat area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Protection of environmentally sensitive habitat areas is one of the essential aspects of the Coastal Act. Fort Bragg has several environmentally sensitive habitat areas including, but not limited to, portions of coastal bluffs, biologically rich tide pools, nesting grounds, kelp beds, wetlands, riparian habitats, and rare, threatened, or endangered plants or plant communities.

Areas that may contain environmentally sensitive habitat areas include, but are not limited to, areas indicated by Map OS-1: Open Space and Environmentally Sensitive Habitat Areas. The environmentally sensitive habitat areas shown on Map OS-1 are based on the best information available at the time mapping was done. The boundaries of environmentally sensitive habitat areas identified in Map OS-1 are not intended to be definitive, but to identify the general location of sensitive environmental resources. Detailed locations and boundaries of these resources shall be obtained by the preparation of biological reports described in Policy OS-1.7.

Policy OS-1.2 states:

Determination of ESHA. The determination of what constitutes ESHA shall not be limited by what is mapped and not all parcels that are mapped necessarily contain ESHA. Map OS-1 serves to identify those general areas known to potentially contain ESHA and for which a biological report is required consistent with Policy OS-1.7 to substantiate the presence or absence of ESHA on any particular parcel. Any area not designated on LUP Map OS-1 that meets the ESHA definition is ESHA and shall be accorded all the protection provided for ESHA in the LCP. All habitat maps shall include a note that states that "the maps may be updated as appropriate and may

not include all areas that constitute ESHA.” The following areas shall be considered ESHA:

- Any habitat area that is rare or especially valuable because of their special nature or role in an ecosystem and is easily degraded or disturbed by human activities or developments.
- Any habitat area of plant or animal species designated as rare, threatened, or endangered under State or Federal law.
- Any habitat area of species designated as Fully Protected or Species of Special Concern under State law or regulations.
- Any habitat area of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.

Program OS-1.2.1 states: Update the mapping of environmentally sensitive habitat areas as new information becomes available.

Policy OS-1.7 states:

Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Policy OS-1.8 states:

Development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, other relevant resource agencies, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and in no event shall be less than 30 feet in width.

Policy OS-1.9 states:

Utilize the following criteria to establish buffer areas:

- a. **Biological Significance of Adjacent Lands.** Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.
- b. **Sensitivity of Species to Disturbance.** The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:
 - (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;
 - (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;
 - (iii) An assessment of the impact and activity levels of the proposed development on the resource.
- c. **Erosion susceptibility.** The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.
- d. **Use natural topography.** Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.
- e. **Use existing man-made features.** Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.

- f. Lot Configuration and Location of Existing Development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection.

Policy OS-1.13 states:

Landscaping Adjacent to ESHA. All development located within or adjacent to environmentally sensitive habitat areas shall be conditioned to:

- a) Require all proposed plantings be obtained from local genetic stocks within Mendocino County. If documentation is provided to the review authority that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used; and if local genetic stocks within the floristic province are unavailable, the Director may authorize use of a commercial native mix, provided it is clear of invasive seed. Director may also authorize use of a seed mix that is selected for rapid senescence and replacement with native stock; and
- b) Require an invasive plant monitoring and removal program; and
- c) Prohibit the planting of any plant species on the property that is (a) listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.

Policy OS-1.16 states:

Biological Report Required.

- a) Permit applications for development within or adjacent to Environmentally Sensitive Habitat Areas including areas identified in Map OS-1 or other sites identified by City staff which have the possibility of containing environmentally sensitive habitat shall include a biological report prepared by a qualified biologist which identifies the resources and provides recommended measures to ensure that the requirements of the Coastal Act and the City of Fort Bragg's Local Coastal Program are fully met. The required content of the biological report is specified in the Coastal Land Use and Development Code.
- b) Submittal of Biological Reports. These biological reports shall be reviewed by the City and approving agencies. The biological reports described above shall be submitted prior to filing as complete a coastal development permit application and may also be submitted as a part of any environmental

documentation required pursuant to CEQA. The selection of the professional preparing the report shall be made or approved by the City or the agency approving the permit and paid for by the applicant.

- c) Biological reports shall contain mitigating measures meeting the following minimum standards:
 - i. They are specific, implementable, and, wherever feasible, quantifiable.
 - ii. They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption.
 - iii. They are incorporated into a Mitigation Monitoring Program; and
 - iv. They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

Goal OS-2 states: Preserve and enhance the City's other natural resources.

Policy OS-2.1 states:

Riparian Habitat: Prevent development from destroying riparian habitat to the maximum feasible extent. Preserve, enhance, and restore existing riparian habitat in new development unless the preservation will prevent the establishment of all permitted uses on the property.

Program OS-2.1.1 states: To the maximum extent feasible, preserve, protect, and restore streams and creeks to their natural state.

Goal OS-5 states: Preserve areas with other biotic resources.

Policy OS-5.1 states:

Native Species: Preserve native plant and animal species and their habitat.

Policy OS-5.2 states:

To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

Policy OS-5.4 states:

Condition development projects, requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.

Program OS-5.4.1 states: Request that Caltrans, PG&E, and the County of Mendocino remove pampas grass and broom from their rights-of-way. The City shall strive to remove these plants from City-owned rights-of-way.

Goal C-2 states: Develop and manage a roadway system that accommodates future growth and maintains acceptable Levels of Service while considering the other policies and programs of the Coastal General Plan.

Policy C-2.2 states:

Improvements to major road intersections for public safety or increased vehicle capacity shall be permitted, as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with all policies of the LCP

Policy C-2.8 states:

Continuation of Streets: Require the continuation of streets and bicycle and pedestrian paths through new developments wherever possible.

Goal C-6 states: Improve access to the North Part of the Noyo Harbor.

Policy C-6.2 states:

Improve Existing North Harbor Drive: Consider improvements to North Harbor Drive to increase capacity and safety for vehicles and pedestrians. Any improvements to North Harbor Drive shall be consistent with all applicable policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.

Goal C-11 states: Provide mobility-impaired persons with access to transportation.

Policy C-11.1 states:

Regulations for Disabled Persons: Enforce Federal and State regulations regarding access for persons with disabilities.

Policy C-11.2 states:

Handicapped Access. In conformance with State and Federal regulations, continue to review all projects for handicapped access and require the installation of curb cuts, ramps, and other improvements facilitating handicapped access.

RELEVANT LUP GLOSSARY DEFINITIONS

LUP defines “Endangered Species, California” as:

A native species or sub-species of a bird, mammal, fish, amphibian, reptile, or plant, which is in serious danger of becoming extinct throughout all or a significant portion of its range, due to one or more factors, including loss in habitat, change in habitat, over-exploitation, predation, competition, or disease. The status is determined by the State Department of Fish and Game together with the State Fish and Game Commission.

LUP defines “Endangered Species, Federal” as:

A species which is in danger of extinction throughout all or a significant portion of its range, other than the species of the Class Insect as determined to constitute a pest whose protection under the provisions of the 1973 Endangered Species Act, as amended, would present an overwhelming and overriding risk to humans. The status is determined by the U.S. Fish and Wildlife Service and the Department of the Interior.

LUP defines “Environmentally Sensitive Habitat Area (ESHA)” as:

Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in the ecosystem and which could be easily disturbed or degraded by human activities and developments.

LUP defines “Environmentally Sensitive Habitat Area (ESHA) Buffer” as:

A transitional area adjacent to environmentally sensitive habitat that provides distance and physical barrier to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and in no event shall be less than 30 feet in width.

LUP defines “Habitat” as:

The natural environment of a plant or animal.

LUP defines "Riparian Corridor" as:

A general term for lands running parallel to and along a creek or stream, which lands constitute the ecosystem and potentially environmentally sensitive habitat for animal and plant life of said creek or stream.

LUP defines "Riparian Habitat" as:

Land and plants bordering a water course.

LUP defines "Stream" as:

A stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established.

LUP defines "Threatened Species, California" as:

A native species or sub-species of a bird, mammal, fish, amphibian, reptile, or plant that, although not currently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of special protection and management efforts required by Chapter 1.5 of the State Department of Fish and Game Code.

LUP defines "Threatened Species, Federal" as:

A species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

LUP defines "Wetland" as:

(1) Wetland means lands which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetlands are usually lands where the water table is at, near or above the land surface long enough to do either of the following: a) promote the formation of (hydric) soils that are saturated with water at or near the surface and are deficient of oxygen long enough during the growing season to result in soil properties that reflect dominate wetness characteristics near the soils surface (within 10"); or b) support the growth of hydrophytic plants which grow in water or in wet

habitats, and include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. The upland limit of a wetland shall be defined as:

- A. the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
 - B. the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
 - C. in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
- (2) The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:
- A. the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
 - B. there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

RELEVANT IMPLEMENTATION PLAN STANDARDS

Section 17.50.010 states:

Purpose.

This Chapter provides standards for proposed development and new land uses to ensure the protection of sensitive coastal resources, to implement applicable provisions of the General Plan and Local Coastal Plan, and comply with the Coastal Act. Article 6 (Site Development Regulations) provides requirements, standards, and procedures for grading, erosion and sediment control, and urban runoff pollution control which also help to ensure protection of coastal resources.

Section 17.50.050 states, in relevant part:

Environmentally Sensitive Habitat Areas.

This Section provides requirements for the protection and enhancement of environmentally sensitive habitat areas (ESHAs), when development is proposed adjacent to, or within environmentally sensitive habitat areas.

- A. **Applicability.** The provisions of this Section apply to the review of coastal development permits for all development proposed on sites that include, are immediately adjacent to, or are within an ESHA defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In addition to compliance with this Section, all development within or adjacent to Wetland ESHA shall comply with Chapter 17.58. In addition to compliance with this Section, all development within or adjacent to River and Stream or Riparian ESHA shall comply with Chapter 17.52.
- B. **Biological resources report.** A planning permit application for development on a site that is subject to this Section shall include a biological resources report that complies with the following requirements. Biological reports required by this Section shall be submitted prior to filing as complete a coastal development permit application.
 1. **Qualifications of preparer.** The report shall be prepared by individuals approved by the City with demonstrated education, training, or experience to prepare these plans in a professional and competent manner. Acceptance of additional experts may be authorized by the permit review authority upon receipt of a resume demonstrating an individual's special capabilities. The permit review authority decision to accept or deny a consulting biologist shall be final.
 2. **Report contents for all ESHA.** A biological resources report shall include, but not be limited to:
 - a. A study identifying biological resources existing on the site;
 - b. An identification of "fully protected" species and/or "species of special concern," and an identification of any other species of rarity, including plants designated "1B" or "2" by the California Native Plant Society, that are present or have the potential to occur on the project site;
 - c. Photographs of the site;

- d. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;
- e. A site map depicting the location of biological resources;
- f. An analysis of the potential impacts of the proposed development on the identified habitat or species;
- g. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition;
- h. Project alternatives designed to avoid and minimize impacts to identified habitat or species;
- i. A buffer width analysis consistent with the requirements of Section 17.50.050(F) where an ESHA buffer less than 100 feet is proposed.
- j. An evaluation of the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures. Proposed mitigation measures shall meet the following standards:
 - i) They are specific, implementable, and, wherever feasible, quantifiable;
 - ii) They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption;
 - iii) They are incorporated into a Mitigation Monitoring Program; and
 - iv) They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

- k. An analysis of potential significant impacts on the habitat from noise, sediment, and other potential disturbances that may occur during project construction.
 - l. Recommendations for conditions of approval for habitat maintenance, and the restoration of damaged habitats, where feasible.
3. Wetland Delineation Report for Wetland ESHA.
- a. Where the biological study required by Section 17.50.050(B) above indicates the presence or potential for wetland species or indicators, the applicant shall additionally submit a delineation of all wetland areas on the project site.
 - b. Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in Section 13577(b) of the California Code of Regulations. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum a (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points, and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.
 - c. Information required by Chapter 17.58.050(B).

...

D. General development standards.

- 1. Performance standards. All development adjacent to or within an ESHA shall comply with the following requirements:
 - a. New development shall be designed, sited, constructed, and maintained so as to not significantly disrupt the resource.
 - b. Where feasible, damaged habitats shall be restored as a condition of development approval.
 - c. Development shall be consistent with the biological continuance of the ESHA.

2. Vegetation removal. Existing native vegetation shall not be removed within an ESHA or an ESHA buffer except for: (1) vegetation removal authorized through coastal permit approval to accommodate permissible development, (2) removal of trees for disease control, (3) public safety purposes to abate a nuisance consistent with Coastal Act Section 30005, or (4) removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106.
3. Landscaping. A landscaping plan shall be submitted to the City for approval prior to construction for any site where development will disturb existing or potential native plant habitat. The plan shall provide:
 - a. After construction, disturbed undeveloped areas shall be replanted to provide for the reestablishment of a 100 percent vegetation cover within two years. At five years, the site should support the same habitat removed. Native non-invasive plant species that would provide bank stability and habitat enhancement should be used where applicable.
 - b. Remedial actions (e.g., planting of native species and removal of invasive horticultural species) shall be implemented as necessary to ensure that the site will consist of at least 75 percent native species at the end of five years.
 - c. Landscaping with exotic plants shall be limited to outdoor living space immediately adjacent to the proposed development.
 - d. Invasive non-native plants described in subsections 5(e)(i)&(ii) below and including, but not limited to, Pampas grass, Acacia, Genista, and non-native iceplant pose a threat to indigenous plant communities and shall not be approved as part of any proposed landscaping.
 - e. All development located within or adjacent to environmentally sensitive habitat areas shall be conditioned to:
 - i) Require all proposed plantings be obtained from local genetic stocks within Mendocino County. If documentation is provided to the review authority that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used; and if local genetic stocks within the floristic province are unavailable, the Director may authorize use of a commercial native mix, provided it is clear of problematic and/or invasive

seed. Director may also authorize use of a seed mix that is selected for rapid senescence to be subsequently complimented or replaced with native stock; and

- ii) Require an invasive plant monitoring and removal program; and
 - iii) Prohibit the planting of any plant species on the property that is (i) listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, and/or by the State of California, or (ii) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.
4. Fencing. Fencing within or adjacent to ESHAs shall be restricted to that which will not impact public views or the free passage of native wildlife, and shall employ design and materials determined by the review authority to be compatible with the visual and biological character of the habitat.
 5. Resource protection during construction. Habitat areas containing vegetation that is essential to the maintenance of the habitat and/or rare or endangered plant or animal species shall be protected from disturbance by construction activities. Temporary wire mesh fencing shall be placed around habitat prior to construction, and protected areas shall not be used by workers or for the storage of machinery or materials. Inspections for compliance shall occur during construction.
 6. Herbicide use. The use and disposal of any herbicides for invasive species removal shall follow the written directions of the manufacturer, shall comply with all conditions imposed by the City, and shall be accomplished in a manner that will fully protect adjacent native vegetation.
 7. Erosion and sediment control. During construction, temporary fencing shall be placed around the ESHA buffer area. Prior to issuance of a Coastal Development Permit or any required Grading Permit, an erosion control plan prepared by a registered professional engineer shall be submitted to the City Engineer for approval, including best management practices to minimize siltation, sedimentation, and erosion. To ensure that sediment remains on the site and is not transported into adjacent ESHA, erosion and sediment controls shall be left in place until the site is stabilized with permanent vegetation. ...

Section 17.52.050 states, in relevant part:

Development Standards.

- A. All development adjacent to riparian ESHA shall comply with the general development standards and ESHA buffer requirements of Sections 17.50.050 (D) and (H).

Section 17.62.060 states:

Removal of Native Vegetation:

Grading shall be designed and grading operations shall be conducted to minimize the removal or disturbance of native vegetation to the maximum extent feasible.

- A. Trees not approved for removal in the grading permit shall be protected from damage by proper grading techniques, and by fencing, and conducting no grading or heavy equipment operations within the protected zone of the tree.
- B. The limits of grading shall be clearly defined and marked to prevent damage to native vegetation by grading or construction equipment.
- C. All trees to be removed and retained, and all markings and protective devices shall be inspected and approved by the Department prior to the commencement of grading operations.

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Appendix D: Excerpts from City of Fort Bragg certified LCP Related to Visual Resources

RELEVANT LAND USE PLAN (LUP) POLICIES

Policy C-2.3 states:

Design Roadways to Protect Scenic Views. In scenic areas, roadway improvements, including culverts, bridges or overpasses, shall be designed and constructed to protect public views and avoid or minimize visual impacts and to blend in with the natural setting to the maximum extent feasible.

Goal CD-1 states: Preserve and enhance scenic views.

Policy CD-1.1 states:

Visual Resources: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.

Policy CD-1.2 states:

The large trees fronting the west side of Highway One between the North Cliff Hotel and Cypress Street shall be retained as far as feasible; trees may be removed if they are dead or damaged or pose a public safety hazard, or to provide driveways or new public streets.

The forested area north of the Georgia-Pacific nursery and south of Maple Street shall be maintained as a sensitive natural habitat and scenic resource, and it shall not be developed.

Policy CD-1.3 states:

Visual Analysis Required. A Visual Analysis shall be required for all development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1 except development listed in below. Development exempt from Visual Analysis includes the following:

1. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning

requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

2. The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
3. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
4. The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.
5. Any repair or maintenance activity for which the Director determines has no potential for impacts to visual resources.

Definitions as used in this subsection:

1. "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
2. "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.
3. "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

Policy CD-1.4 states:

New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.

Policy CD-1.5 states:

All new development shall be sited and designed to minimize alteration of natural landforms by:

1. Conforming to the natural topography.
2. Preventing substantial grading or reconfiguration of the project site.

3. Minimizing flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.
4. Requiring that man-made contours mimic the natural contours.
5. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
6. Minimizing grading permitted outside of the building footprint.
7. Clustering structures to minimize site disturbance and to minimize development area.
8. Minimizing height and length of cut and fill slopes.
9. Minimizing the height and length of retaining walls.
10. Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.

Policy CD-1.6 states:

Fences, walls, and landscaping shall minimize blockage of scenic areas from roads, parks, beaches, and other public viewing areas.

Policy CD-1.9 states:

Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, and shielded so that no light shines beyond the boundary of the property.

Policy CD-1.11 states:

New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.

Policy CD-2.1 states:

Design Review: All development that has the potential to affect visual resources shall be subject to Design Review, unless otherwise exempt from Design Review pursuant to Coastal Land Use & Development Code Section 18.71.050. Design Review approval requirements shall not replace, supersede or otherwise modify the independent requirement for a coastal development permit approved pursuant to the applicable policies and standards of the certified LCP. Ensure that development is constructed in a manner consistent with the Citywide Design Guidelines.

Policy CD-2.5 states:

Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.

Program CD-2.5.1 states: Adopt additional Citywide Design Guidelines for scenic views and resources identified in Map CD-1. Consider including, at a minimum, the following guidelines:

- a) Discourage continuous buildings that block scenic views and require view corridors providing unobstructed views of the shoreline and/or the sea from public rights-of-way.
- b) Require bluff setbacks for development adjacent to or near public areas along the shoreline.
- c) Cluster development to avoid blocking viewsheds to the maximum extent feasible.
- d) Minimize the size of advertising, business identification, and directional signs to ensure scenic views are not obstructed.
- e) Design night lighting of buildings to be indirect with no source of light visible, and lighting should not intrude on adjacent property or cause glare.
- f) Prohibit or require screening of the following uses in scenic view corridors: signs and fencing which block the scenic views, mechanical equipment, refuse containers such as dumpsters, and the outdoor storage of materials.

RELEVANT LUP GLOSSARY DEFINITIONS

LUP defines “Public Viewing Area” as:

A location along existing scenic public roads and trails or within public parklands or beaches where there are scenic views of the beach and ocean, coastline, mountains, ridgelines, canyons and other unique natural features or areas.

RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS

Section 17.50.070 states, in relevant part:

- A. Purpose. The provisions of this Section are intended to consider and protect the scenic and visual qualities of coastal areas, maintain existing scenic views of the coastline from Highway 1, and ensure that proposed development is consistent with the character of its surroundings.

- B. Applicability. The requirements of this Section apply to the review and approval of planning permits, including but not limited to, coastal development permits for proposed development located on any parcel of land that is located along, provides views to, or is visible from any scenic area, scenic road, or public viewing area including:
1. Along the west side of Highway 1;
 2. Along the bluff of the Noyo River including any area within viewing distance from the bluff, and the bluffs at the mouth of Pudding Creek within the Coastal Zone (CZ);
 3. Along Highway 20 and Highway 1 on sites with views to the ocean; and
 4. Areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1.
- C. Visual Analysis. A Visual Analysis shall be required for all new development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1, except development listed in 1.a-1.e below.
1. Development exempt from the Visual Analysis requirement includes the following:
 - a. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.
 - b. The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
 - c. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
 - d. The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

- e. Any repair or maintenance activity for which the Director has determined, pursuant to Section 17.71.045 (Coastal Development Permit), that a coastal development permit will be required.
2. Information required for Visual Analysis: Applications for development requiring a Visual Analysis shall include the following:
- a. Photographs of scenic views as seen from public lands and rights-of-ways;
 - b. Photographic simulations wherein proposed structures are superimposed on these photographs by means of lines, blocked out areas of shading, or other means in a manner that accurately identifies the location, height, and bulk of the structures;
 - c. Provisions for the erection of story poles to show the height and footprint of the building (the height at the ridgeline and at all corners); and
 - d. A site map and elevations of proposed structures with an explanation of how the scenic views would be affected by the proposed development, and what mitigations are proposed.
3. Definitions as used in this subsection:
- a. "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
 - b. "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.
 - c. "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.
- D. General findings for project approval. Coastal Development Permit approval for development in the areas identified by Subsection B. shall require that the review authority first find that the proposed project:
- 1. Minimize the alteration of natural landforms;
 - 2. Is visually compatible with the character of the surrounding area;
 - 3. Is sited and designed to protect views to and along the ocean and scenic coastal areas; and

4. Restores and enhances visual quality in visually degraded areas, where feasible.

E. Development Standards.

1. Development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.
2. Fences, walls, and landscaping shall minimize blockage of views of scenic areas from roads, parks, beaches, and other public viewing areas.
3. Development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.
4. Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures and shielded so that no light shines beyond the boundaries of the property.

...

J. Alteration of natural landforms. All new development shall be sited and designed to minimize alteration of natural landforms by:

1. Conforming to the natural topography.
2. Preventing substantial grading or reconfiguration of the project site.
3. Minimizing flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.
4. Requiring that man-made contours mimic the natural contours.
5. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
6. Minimizing grading permitted outside of the building footprint.
7. Clustering structures to minimize site disturbance and to minimize development area.
8. Minimizing height and length of cut and fill slopes.
9. Minimizing the height and length of retaining walls.
10. Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the

surrounding area. Export of cut material may be required to preserve the natural topography.

Section 17.71.045 states:

D. Application Filing Requirements. A coastal development permit application shall require submittal of at least the following items:

9. Visual Analysis. For applications for development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1 of the Coastal General Plan (except development listed in subsection (B) of Policy CD-1.3 of the Coastal General Plan), a visual analysis as required by Chapter 17.50.070 of this Development Code.

RELEVANT COASTAL ACT POLICIES

Section 30251 states:

Scenic and Visual Qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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Appendix E: Excerpts from City of Fort Bragg certified LCP Related to Water Quality

RELEVANT LAND USE PLAN (LUP) POLICIES

Policy PF-2.4 states:

Potable Water Quality: Maintain the safety of the water supply.

Program PF-2.4.1 states: Continue to maintain the water collection, treatment, and distribution system to ensure compliance with all State requirements for a public drinking water system.

Program PF-2.4.2 states: Provide security and protection for the watersheds and water storage and treatment facilities with monitoring, appropriate notices, physical barriers, and protective devices as well as land use policies and controls.

Program PF-2.4.3 states: Develop long range management and improvement programs for the watersheds. These plans should include management practices and methods of protecting the water source from degradation.

Goal OS-9 states: Improve water quality.

Policy OS-9.1 states:

Minimize Introduction of Pollutants. Development shall be designed and managed to minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes) to the extent feasible.

Policy OS-9.2 states:

Minimize Increases in Stormwater Runoff. Development shall be designed and managed to minimize post-project increases in stormwater runoff volume and peak runoff rate, to the extent feasible, to avoid adverse impacts to coastal waters.

Policy OS-9.3 states, in relevant part:

Maintain Biological Productivity and Quality of Coastal Waters. Development shall be designed and managed to maintain, and restore where feasible, the biological productivity and quality of coastal waters, consistent with sections 30230, 30231, and other relevant sections of the California Coastal Act.

Policy OS-9.4 states:

Maintain, Enhance, and Restore Marine Resources. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Policy OS-9.5 states.

Maintain and Restore Biological Productivity and Water Quality. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Goal OS-10 states: Improve water quality through the Selection and Design of Appropriate Best Management Practices (BMPs).

Policy OS-10.1 states:

Construction-phase Stormwater Runoff Plan. All development that requires a grading permit shall submit a construction-phase erosion, sedimentation, and polluted runoff control plan. This plan shall evaluate potential construction-phase impacts to water quality and coastal waters, and shall specify temporary Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials.

Policy OS-10.2 states:

Post-Construction Stormwater Runoff Plan. All development that has the potential to adversely affect water quality shall submit a post-construction polluted runoff control plan ("Runoff Mitigation Plan"). This plan shall specify long-term Site Design, Source Control, and, if necessary, Treatment Control BMPs that will be implemented to minimize stormwater pollution and erosive runoff after construction, and shall include the monitoring and maintenance plans for these BMPs.

Policy OS-10.3 states:

Emphasize Site Design and Source Control BMPs. Long-term post-construction Best Management Practices (BMPs) that protect water quality and control runoff flow

shall be incorporated in the project design of development that has the potential to adversely impact water quality in the following order of emphasis:

- A) Site Design BMPs: Any project design feature that reduces the creation or severity of potential pollutant sources, or reduces the alteration of the project site's natural flow regime. Examples include minimizing impervious surfaces, and minimizing grading.
- B) Source Control BMPs: Any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution. Examples include covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
- C) Treatment Control BMPs: Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples include vegetated swales, and storm drain inserts.

Site Design BMPs may reduce a development's need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the need for Treatment Control BMPs. Therefore, all development that has the potential to adversely affect water quality shall incorporate effective post-construction Site Design and Source Control BMPs, where applicable and feasible, to minimize adverse impacts to water quality and coastal waters resulting from the development. Site Design and Source Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program.

Policy OS-10.4 states:

Incorporate Treatment Control BMPs if Necessary. If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policy OS-9.3, as determined by the review authority, development shall also incorporate post-construction Treatment Control BMPs. Projects of Special Water Quality Concern (see Policy OS-12.1) are presumed to require Treatment Control BMPs to meet the requirements of OS-9.3. Treatment Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program, including biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inserts, wet vaults, or hydrodynamic separator systems.

Policy OS-10.5 states:

Guidance on BMP Selection and Design. Where BMPs, are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPS to protect water quality and coastal waters shall be guided by Chapter

18.64.070, Tables 1-3, of the Land Use & Development Code, or equivalent tables which list pollutants of concern for each type of development or land use.

The design of BMPs shall be guided by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs.

Policy OS-10.6 states:

Water Quality Checklist. A water quality checklist shall be developed and used in the permit review process to evaluate a proposed development's potential impacts to water quality and coastal waters, and proposed mitigation measures.

Goal OS-11 states: Improve water quality through Site Design and Source Control BMPs Development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating BMPs designed to ensure the following:

Policy OS-11.1 states:

Use Integrated Management Practices in Site Design. The city shall require, where appropriate and feasible, the use of small-scale integrated management practices (e.g., Low Impact Development techniques) designed to maintain the site's natural hydrology by minimizing impervious surfaces and infiltrating stormwater close to its source (e.g., vegetated swales, permeable pavements, and infiltration of rooftop runoff).

Policy OS-11.2 states:

Preserve Functions of Natural Drainage Systems. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, where appropriate and feasible. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.

Policy OS-11.3 states:

Minimize Impervious Surfaces. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, where feasible. Redevelopment shall reduce the impervious surface site coverage, where feasible. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

Policy OS-11.4 states:

Infiltrate Stormwater Runoff. Development shall maximize on-site infiltration of stormwater runoff, where appropriate and feasible, to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

Policy OS-11.5 states:

Divert Stormwater Runoff into Permeable Areas. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas, where appropriate and feasible, to enhance on-site stormwater infiltration capacity.

Policy OS-11.6 states:

Use Permeable Pavement Materials. To enhance stormwater infiltration capacity, development shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants. All permeable pavement that is not effective in infiltrating as designed will be replaced with effective stormwater detention and infiltration methods.

Policy OS-11.7 states:

Avoid Steep Slopes with Highly Erodible Soil. Where feasible, development shall be sited and designed to avoid areas on steep slopes (i.e., 12% or greater) with highly erodible soil. Developments on these hillside areas are considered Developments of Special Water Quality Concern, and are subject to additional requirements (see Policies OS-12.1 and OS-12.2).

Policy OS-11.8 states:

Landscape with Native Plant Species. The City shall encourage development to use drought-resistant native plant species for landscaping, to reduce the need for irrigation and landscaping chemicals (e.g., pesticides and fertilizers).

Policy OS-11.9 states:

Provide Storm Drain Inlet Markers. Markers or stenciling shall be required for all storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

Policy OS-11.10 states:

Continue Operation and Maintenance of Post-Construction BMPs. Permittees shall be required to continue the operation, inspection, and maintenance of all post-construction BMPs as necessary to ensure their effective operation for the life of the development.

Goal OS-12 Improve water quality through additional requirements for Developments of Special Water Quality Concern

Policy OS-12.1 states:

Developments of Special Water Quality Concern. The categories of development listed below have the potential for greater adverse coastal water quality impacts, due to the development size, type of land use, impervious site coverage, or proximity to coastal waters. A development in one or more of the following categories shall be considered a "Development of Special Water Quality Concern," and shall be subject to additional requirements set forth in Policy OS-12.2 below to protect coastal water quality. Developments of Special Water Quality Concern include the following:

- a) Housing developments of ten or more dwelling units.
- b) Hillside developments on slopes greater than 12 percent, located in areas with highly erodible soil.
- c) Developments that result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
- d) Parking lots with 5,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.
- e) Heavy industrial developments.
- f) Vehicle service facilities (including retail gasoline outlets, service stations, commercial car washes, and vehicle repair facilities).
- g) Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the review authority based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or waterbodies.
- h) All developments within 125 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area.
 - a. "Discharge directly to" the ocean or a waterbody means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.
- i) Any other development determined by the review authority to be a Development of Special Water Quality Concern.

Policy OS-12.2 states:

Additional Requirements for Developments of Special Water Quality Concern. All Developments of Special Water Quality Concern (as identified in Policy OS-12.1, above) shall be subject to the following four additional requirements to protect coastal water quality:

- 1) Water Quality Management Plan. The applicant for a Development of Special Water Quality Concern shall be required to submit for approval a Water Quality Management Plan (WQMP), prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.
- 2) Selection of Structural Treatment Control BMPs. As set forth in Policy OS-10.4, if the review authority determines that the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters as required by Policy OS-9.3, structural Treatment Control BMPs shall also be required. The WQMP for a Development of Special Water Quality Concern shall describe the selection of Treatment Controls BMPs, and applicants shall first consider the BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.
- 3) 85th Percentile Design Standard for Treatment Control BMPs. For post-construction treatment of runoff in Developments of Special Water Quality Concern, Treatment Control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.
- 4) Goal for Runoff Reduction. In Developments of Special Water Quality Concern, the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.

Goal OS-14 states: Improve water quality through Construction-Phase Pollution Control.

Policy OS-14.1 states:

Minimize Polluted Runoff and Pollution from Construction. All development shall minimize erosion, sedimentation, and the discharge of other polluted runoff (e.g., chemicals, vehicle fluids, concrete truck wash-out, and litter) from construction activities, to the extent feasible.

Policy OS-14.2 states:

Minimize Land Disturbance During Construction. Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.

RELEVANT LUP GLOSSARY DEFINITIONS

LUP defines “Best Management Practices (BMPs)” as:

Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.

LUP defines “Water Quality Management Plan” as:

A plan to control post-construction stormwater runoff and pollution, certified by a California Registered Civil Engineer, which shall be required for all Developments of Special Water Quality Concern. The WQMP supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.

RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS

Section 17.50.080 states:

Water Supply.

The quality and quantity of groundwater supplies shall be maintained, and where feasible, restored through control of wastewater discharge and entrainment, runoff controls and prevention of groundwater depletion, enforced as follows.

- A. All new development for which water or sewer service is needed shall be connected to the City water or sewer systems. Permits shall be withheld subject to applicant compliance with this provision. Limited exceptions to this requirement may be allowed by the review authority in special or hardship circumstances and where accompanied by specific findings.

- B. Existing development currently utilizing well and/or septic systems that do not meet health standards shall convert to City water and sewer. No permit for renovation, reconstruction, rehabilitation or renewal shall be granted without applicant compliance with this provision.

Section 17.60.010 states, in relevant part:

Title and Purpose.

This Chapter and Chapter 17.62 (Grading, Erosion, and Sediment Control Standards) are and may be cited as the City of Fort Bragg Grading Ordinance. These provisions are enacted for the purpose of regulating grading within the City, and establish standards for grading, including filling and excavation activities, to:

...

- B. Protect against soil erosion, and the pollution of watercourses with nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across an area of approved grading;
- C. Protect the safety, use and stability of public rights of way and drainage channels;

Section 17.60.040 states, in relevant part:

Grading Permit Application Filing and Processing.

- A. Preparation and filing. Grading permit applications shall be filed with the Department on a City application form, together with all fees, plans, maps, reports, and other information prepared as required by the Grading Permit Application Preparation and Contents instruction list provided by the Department. The plans and reports submitted with the application shall include, but not be limited to, the following, where required by the City Engineer.

...

2. A drainage plan with hydrology and hydraulic calculations.
3. A Runoff Mitigation Plan (see Section 17.64.040 (Stormwater Runoff Mitigation Plan Requirements));

Section 17.62.030.A states, in relevant part:

Erosion, Sediment, and Other Construction Pollution Control.

Erosion, sediment, and other polluted runoff generated during construction shall be controlled by temporary construction-phase Best Management Practices (BMPs) as provided by this Section.

- A. Best Management Practices for projects under construction. The following Best Management Practices which address the problem of polluted runoff from construction sites shall apply to all development and proposed land uses. The following requirements shall apply at the time of demolition of an existing structure or commencement of construction and until receipt of a Certificate of Occupancy.
 - 1. Minimize Runoff and Pollution from Construction. All development shall minimize construction site runoff and erosion, and eliminate the discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, concrete truck wash-out, and litter), to the extent feasible, through implementation of Best Management Practices. Sediment and construction waste from construction sites and parking areas shall not leave the site.
 - 2. Minimize Land Disturbance During Construction. Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.
 - ...
 - 9. Prohibition against washing construction vehicles. No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on the construction site shall be allowed to leave the site.
 - 10. Erosion control devices. In order to prevent polluting sediment discharges, erosion and sediment control devices shall be installed as required by the City Engineer for all grading and filling. Control devices and measures that may be required include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water, detention ponds, sediment ponds, or infiltration pits, or downdrains, chutes or flumes.

Section 17.60.100 states, in relevant part:

Storm Drainage and Runoff.

- A. Design and construction. Drainage systems and facilities proposed within existing or future public rights of way shall be designed and constructed in

compliance with Section 17.88.050 (Subdivision Improvement Requirements). The design and construction of drainage facilities required for cuts and fills are subject to Section 17.62.040D above. Other drainage systems and facilities shall be designed in compliance with good engineering practices.

- B. Natural drainage systems. Proposed grading projects shall include design provisions to retain natural drainage patterns and preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, where appropriate and feasible.
- C. Minimize Runoff. Proposed grading projects shall include design provisions to minimize increases in stormwater runoff volume and peak runoff rate, to the extent feasible. In developing a Runoff Mitigation Plan, an applicant shall demonstrate an effort to reduce projected runoff for the project by 20 percent from the base 1985 10-year storm. In Developments of Special Water Quality Concern, post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.
- D. Minimize Erosion. Long-term drainage improvements for site runoff, including runoff from all roadways and other impervious surfaces, shall be designed to minimize erosion through the appropriate use of rocked culvert inlets and outfalls, energy dissipaters, check dams, cribbing, riprap, proper location of culverts, revegetation of exposed slopes (see Section 17.62.070), and minimizing the use of artificial slopes.

Section 17.64.010 states:

Purpose.

Recognizing the health and safety benefits of clean water, the purpose of this chapter is to ensure that development within Fort Bragg's coastal zone minimizes the addition of pollutants to waterways and the ocean, and reduces present levels of sediment and other pollutants carried to regional waterways through stormwater runoff, to the maximum extent feasible to ensure the protection, maintenance, and where feasible, the restoration of the biological productivity and quality of coastal waters.

The goals of stormwater management are to minimize pollutant loading and erosive stormwater runoff flows, which include the concepts of slowing stormwater flows to allow percolation and other filtering Best Management Practices (BMPs) to work in harmony with the topography, and ensuring that designs for stormwater pollutant management are part of the planning and approval processes of new developments. Meeting these goals shall include:

- A. Reducing post-project increases in the flow rate and volume of stormwater discharges into the municipal storm drain system, area waterways, and the ocean, by slowing runoff and maximizing infiltration.
- B. Eliminating the spillage, dumping, and disposal of significant materials and pollutants, and eliminating or minimizing to the extent feasible all non-stormwater discharges into the municipal storm drain system that are not specifically allowed by the current municipal stormwater NPDES permit.
- C. Reducing pollutant loads in stormwater and urban runoff through the use of appropriate Best Management Practices.
- D. Reducing the runoff of oil and gas pollutants into area storm drain systems and creeks by filtration and/or bio-remediation of commercial/retail/industrial parking lots.

Section 17.64.020 states:

Stormwater Runoff Water Quality and Discharge Management

- A. Purpose. The provisions of this Section are intended to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and the ocean in compliance with the Federal Clean Water Act (Chapter 26, Subchapter I, Section 1251 Code of Federal Regulations, Title 40, Chapter Parts 122 and 123), by reducing pollutants in stormwater discharges, and erosive stormwater flows, to the maximum extent feasible.
- B. Applicability. This Section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands within the City.
 - 1. Responsibility for administration. The City Engineer shall administer, implement, and enforce the provisions of this Section. Any powers granted or duties imposed upon the City Engineer may be delegated in writing by the City Engineer to persons or entities acting in the beneficial interest of or in the employ of the City.
 - 2. Regulatory consistency. This Section shall be construed to ensure consistency with the requirements of the Federal Clean Water Act, State Porter Cologne Act, State NPDES permits, and statutes and regulations that amend or supplement those Acts or permits.
 - 3. Ultimate responsibility of discharger. The requirements of this Section are minimum standards; therefore this Section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by that person. This Section shall not create liability on the part of the City, or any agent or employee of the City, for any damages that result

from any discharger's reliance on this Section or any administrative decision in compliance with this Section.

C. Discharge prohibitions.

1. General prohibition. To the maximum extent feasible, no person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct, or continuance of any other discharge to the storm drain system is prohibited, except for the following.
 - a. The following types of discharges will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed to ensure, to the maximum extent practicable, that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter Cologne Act, Clean Water Act, or this Section: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; uncontaminated groundwater infiltration to the storm drain system as defined at 40 CFR Chapter 35.2005(20); uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; irrigation water; street wash waters; and flows from fire fighting.
 - b. This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.

Notwithstanding the requirements of Subsection E.1 (Authority to Inspect), the City Engineer may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

2. Illicit connections. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - a. The City Engineer may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Section to eliminate or secure approval for the connection by a specified date.
 - b. If, subsequent to eliminating a connection found to be in violation of this Section, the responsible person can demonstrate that an illegal discharge will no longer occur, the person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the expense of the responsible person.
3. Waste disposal. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that they may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.
4. Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit may be required in a form acceptable to the City Engineer prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

D. Regulations and requirements.

1. Prevention, control, and reduction of storm water pollutants.
 - a. Authorization to adopt and impose best management practices. The City may adopt requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. Where BMP requirements are promulgated by the City or any Federal, State, or regional agency for any activity, operation, or facility that would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S.,

every person undertaking the activity or operation, or owning or operating the facility shall comply with these requirements.

- b. New development and redevelopment. The City may adopt requirements identifying appropriate BMPs to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate these requirements in any land use entitlement and construction or building related permit to be issued for the development or redevelopment.
- c. Responsibility to implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated in compliance with Subsections D.1.a and D.1.b, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or waters of the U.S. shall implement BMPs to the extent they are technologically achievable to prevent or reduce the pollutants to the maximum extent feasible.
 - i) The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses.
 - ii) Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
 - iii) Information on Best Management Practices required by the City can be obtained from the Public Works Department by requesting the BMP manual appropriate to a commercial or industrial activity. In the BMP manual, BMPs are divided into three categories: "high priority" which are required to be implemented, "medium priority" which are desirable to implement, and "low priority."
- d. Guidance on Best Management Practices selection and design.
 - i) Where Best Management Practices are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPs to protect water quality and coastal waters shall be guided by Tables 1-3 of Article 6, or equivalent tables which list pollutants of concern for each type of development or land use.

- ii) The design of BMPs shall be guided by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs.

Additional guidance on BMPs is available from the State, the U.S. EPA, and from other sources such as the Bay Area Stormwater Management Agencies Association (BASMAA) "Start at the Source: Design Guidance Manual for Stormwater Quality Protection." Stormwater technologies are continually improving, thus staff and developers should be responsive to any improvements or innovations in control technologies.

- iii) A water quality checklist shall be developed and used in the permit review process to evaluate a proposed development's potential impacts to water quality and coastal waters, and the appropriateness of the proposed BMPs.

2. Watercourse protection. Every person owning property through which a watercourse passes, or the person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines to protect against erosion and degradation of the watercourse originating or contributed from their property. The owner or lessee shall obtain all necessary permits from outside agencies.
3. Remediation. Whenever the City Engineer finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the storm drain system, or water of the U.S., the City Engineer may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time in compliance with Subsection F. (Enforcement).

4. Monitoring and analysis. The City Engineer may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility that may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the storm drain system or waters of the U.S., to undertake at that person's expense any monitoring and analyses and furnish reports to the City as deemed necessary by the City Engineer to determine compliance with this Section.
5. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. from said facility, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of the release. In the event of a release of a hazardous material the person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, the person shall notify the Public Works Department in person or by phone or facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also retain an on site written record of the discharge and the actions taken to prevent its recurrence. These records shall be retained for at least three years.

E. Inspection and monitoring.

1. Authority to inspect. Whenever necessary to make an inspection to enforce any provision of this Section, or whenever the City Engineer has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Section, the City Engineer may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater pollution prevention compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
2. Authority to sample, establish sampling devices, and test. During any inspection in compliance with this Section, the City Engineer may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

F. Enforcement.

1. Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. A violation of or failure to comply with any of the requirements of this Section shall constitute a public nuisance and a misdemeanor and shall be subject to enforcement in compliance with Chapter 17.98 (Enforcement and Penalties) of this Development Code.
2. Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter Cologne Act. Any person who violates any provision of this Section or any provision of any requirement issued in compliance with this chapter, may also be in violation of the Clean Water Act and/or the Porter Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Section shall also include written notice to the violator of this potential liability.
3. Notice of Violation. Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this Section, the City Engineer may order compliance by written notice of violation to the responsible person. The notice may require without limitation:
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of a fine to cover administrative and remediation costs; and
 - f. The implementation or maintenance of Site Design, Source Control or Treatment Control BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Engineer, with the cost of the work charged to the violator in compliance with Subsection F.5 (Abatement by City).

4. Appeal. Notwithstanding the provisions of Subsection F.7 (Urgency Abatement), any person receiving a Notice of Violation in compliance with Subsection F.3 (Notice of Violation), may appeal the determination of the City Engineer to the City Manager. The notice of appeal must be received

by the City Manager within five days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of City's receipt of the notice of appeal. The decision of the City Manager or designee shall be final.

5. Abatement by City. If the violation has not been corrected in compliance with the requirements in the Notice of Violation, or, in the event of an appeal in compliance with Subsection F.4 (Appeal), within 10 days of the decision of the City Manager upholding the decision of the City Engineer, then the City or a contractor designated by the City Engineer shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.
6. Charging cost of abatement/liens. Within 30 days after abatement of the nuisance by the City, the City Engineer shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the Council. The decision of the Council shall be set forth by resolution and shall be final.

If the amount due is not paid within 10 days of the decision of the Council or the expiration of the time in which to file an appeal under this Section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

7. Urgency abatement. The City Engineer is authorized to require immediate abatement of any violation of this Section that constitutes an immediate threat to the health, safety or well being of the public. If the violation is not abated immediately as directed by the City Engineer, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to the remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this Section shall not prevent City from seeking other and further relief authorized under this Section.

8. Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this Section, the City Engineer may impose upon a violator alternative compensatory actions, including storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
9. Violations deemed a public nuisance. In addition to the other enforcement processes and penalties provided by this Section, any condition caused or permitted to exist in violation of any of the provisions of this Section is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be abated or restored by the City at the violator's expense, and/or a the City may take civil action to abate, enjoin, or otherwise compel the cessation of the nuisance.

Section 17.64.030 states:

Site Development and Maintenance Standards.

- A. Applicability of provisions. The provisions of Sections 17.64.040 through 17.64.070 apply as determined by this Section, to any proposed land use or development involving grading activities, or the construction of a new structure that requires a permit in compliance with this Development Code. Compliance with the provisions of this Chapter shall be required through planning permit or subdivision conditions of approval. Any necessary pollution control measures shall be installed prior to construction, or prior to the occupancy of a structure or site, as deemed appropriate by the City. In all cases, the applicant/permittee is responsible for ensuring compliance with the provisions of Sections 17.64.040 through 17.64.070.
 1. An applicant proposing a project with land disturbance of one acre or more, or any industrial facility shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the requirements of the Federal Clean Water Act, U.S. Environmental Protection Agency (EPA), and the California State Water Resources Control Board. The application shall also include a Hazardous Materials Handling and Spill Response Plan related to construction activities, and in the case of industrial facilities, shall also address operations after construction. The applicant shall submit a copy of the SWPPP to the City prior to the processing of any planning permit or subdivision application, or the granting of any construction permits.
 2. An applicant proposing a project requiring a grading permit, but that does not require a SWPPP, shall instead be required to submit a Construction Pollution Prevention Plan, which shall evaluate potential construction-phase impacts to water quality and coastal waters, and shall specify temporary Best Management Practices (BMPs) to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials.

3. In the application and initial planning process, all projects shall submit a preliminary Runoff Mitigation Plan which describes the post-construction Best Management Practices (BMPs) that will be used in the project to reduce increases to erosive stormwater flow and to prevent polluted runoff from the built project, and prior to issuance of a building permit the applicant shall submit a final Runoff Mitigation Plan approved by the City Engineer.
 4. In the application and initial planning process, all Developments of Special Water Quality Concern (see 17.64.045) shall submit a preliminary Water Quality Management Plan (WQMP), prepared by a qualified professional, which supplements the Runoff Mitigation Plan. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and shall specify post-construction BMPs to minimize impacts to water quality and coastal waters. Prior to issuance of a grading or building permit the applicant shall submit a final Water Quality Management Plan prepared by a qualified licensed professional and approved by the City Engineer.
 5. An applicant for a project that will disturb one acre or more shall submit to the City Engineer proof of an application for a NPDES Storm Water Construction Permit and their Waste Discharge Identification Number issued by the State.
- B. Responsibility for administration. This Chapter shall be administered by the City Engineer or his or her designee in coordination with the Director.
- C. Regulatory consistency. This Chapter shall be construed to assure consistency with the requirements of:
1. The Federal Water Pollution Control Act, 33 USCS § 1251 et seq., and the applicable implementing regulations;
 2. The mandates and rulings of the US Environmental Protection Agency (EPA);
 3. The NPDES Stormwater permit of the City of Fort Bragg and its co-permittee's;
 4. The Fort Bragg General Plan; and
 5. Other existing or future NPDES Stormwater Permits and any amendments, revisions or reissuance thereof by either Federal, State, County, or City regulatory agencies.
- A. Requirements for Submittal of a Construction Pollution Prevention Plan. The Construction Pollution Prevention Plan shall evaluate potential construction-

phase impacts to water quality and coastal waters, and specify temporary Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials. The Construction Pollution Prevention Plan shall be submitted with final construction drawings.

The Construction Pollution Prevention Plan shall include, but not be limited to, the following information:

1. A site plan specifying the distance from the proposed development to the nearest waterbody and ultimate discharge location of the stormwater.
2. Proposed methods for controlling wind and water erosion and sedimentation during construction, including but not limited to:
 - a. Limitations on grading during the rainy season.
 - b. BMPs for staging, storage, and disposal of excavated materials.
 - c. Design specifications for structural BMPs, such as sedimentation basins, when required by the City Engineer.
 - d. Re-vegetation and landscaping plans for graded or disturbed areas.
3. Proposed methods for controlling non-storm related and storm related polluted runoff during construction, including but not limited to:
 - a. Methods to minimize the discharge of potential pollutants from construction materials (including paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff.
 - b. BMPs for staging, storage, and disposal of construction chemicals and materials.
 - c. Methods to treat or infiltrate stormwater prior to conveyance off-site during construction.
 - d. Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.

Section 17.64.040 states:

Stormwater Runoff Mitigation Plan Requirements.

The following runoff reduction requirements shall apply to all persons submitting applications for development within the City, whether fulfilled by the Federal SWPPP format, by a Runoff Mitigation Plan (RMP), or as an additional measure.

- A. Submittal of Runoff Mitigation Plan. At the time of submittal of an application for the first planning approval for proposed development, the applicant shall submit to the City Engineer either a Runoff Mitigation Plan, or a copy of a Notice of Intent (NOI) to comply with the NPDES Storm Water Construction or Industrial Permit filed with the Regional Water Quality Control Board.
- B. Goal for runoff reduction in a Runoff Mitigation Plan. In developing a Runoff Mitigation Plan, an applicant shall demonstrate that the development will be designed and managed to minimize increases in stormwater runoff volume and peak runoff rate, to the extent feasible, and that an effort is made to reduce projected runoff for the project by 20 percent from the base 2000 data located in the City of Fort Bragg Storm Water Master Plan, through incorporation of design elements or principles which address each of the goals set forth below in Subsections B.1, B.2, and B.3.

The design elements utilized by an applicant may, but are not required to, include those provided on the list below, with the exception of Subsection B.2.d which is required where applicable. Although design elements are set forth as if they address only one goal, in many cases they address more than one and can be used to address multiple goals in achieving the goal of minimizing stormwater runoff in the mitigation plan.

- 1. Minimize Impervious Surfaces. Minimize the impervious surface site coverage (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas. Measures that shall be used to minimize the impervious surface site coverage include, but are not limited to:
 - a. To slow stormwater runoff and maximize infiltration, increase the percentage of project site area retained or maintained as permeable area. The area may include vegetation, pervious paving materials, and porous materials for or near walkways, which increase the amount of runoff infiltrating into the ground. Permeable surface materials can include wood decking materials, brick, or stone with spaces to allow percolation between stones, and similar methods;
 - b. Design curbs, berms, or the like so as to avoid isolation of permeable or landscaped areas;
 - c. Divert and catch stormwater runoff through the use of drainage swales, berms, green strip filters, gravel beds, or French drains; and
 - d. Construct driveways and walkways from porous materials to allow increased percolation of stormwater runoff into the ground.
- 2. Maximize Infiltration of runoff. Maximize on-site infiltration of stormwater runoff, where appropriate and feasible. Measures that shall be used to

maximize on-site infiltration of stormwater runoff include, but are not limited to:

- a. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas, where appropriate and feasible, to enhance on-site stormwater infiltration capacity.
 - b. Minimize the amount of runoff directed to impermeable areas and/or maximize storm water stormwater storage for reuse.
 - b. c. Install rain gutters and orient them towards permeable surfaces rather than driveways or non-permeable surfaces so that runoff will infiltrate into the ground instead of flowing off-site.
 - a. Modify grades of property to divert flow to permeable areas and to minimize the amount of stormwater leaving the property.
 - b. Use sediment traps to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal.
 - c. Use retention structures or design roof-tops to store runoff. Utilize subsurface areas for stormwater runoff, either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse.
 - d. Use detention ponds, infiltration pits, and other infiltration methods so that stormwater runoff may collect and seep into the ground and to reduce or prevent off-site flows.
 - e. Alternative management practices shall be substituted where the City Engineer has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.
3. Reduce parking lot runoff pollution. Reduce erosive runoff and pollution from parking lots, including oil and grease, automotive fluids, sediment, and trash. Measures that shall be used to reduce parking lot pollution include, but are not limited to:
- a. All new or re-built retail/commercial/industrial parking lots of more than 5,000 square feet in area shall provide a sub-surface filtering system for oil and grease contaminants (e.g., inlet media filter, oil and water separator, or clarifier) to remove petroleum-based contaminants and other pollutants which are likely to accumulate.

- b. Direct runoff toward permeable areas and away from pollutant laden areas such as parking lots.
 - c. Construct portions of parking lots from porous materials.
 - d. All parking lot facilities shall be regularly cleaned and continually maintained in effective working condition.
- C. Criteria for evaluation of mitigation plans. The City's evaluation of each Runoff Mitigation Plan will ascertain how well the proposed plan meets the combined goals set forth in Subsection B, above. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.
- D. Waiver of Runoff Mitigation Plan. Full or partial waivers of compliance with this Section may be obtained by persons who apply on forms supplied by the City and show that incorporation of design elements that address the objectives set forth in Subsection B., above is an economic and physical impossibility due to the particular configuration of the site or to irreconcilable conflicts with other City requirements. Requests for waivers shall be granted or denied, in writing, by the City Engineer, in conjunction with the Director.
- E. Compliance as condition of approval. Compliance with an approved Runoff Mitigation Plan shall be a condition of approval of any required planning approval.
- F. Erosion control. Erosion shall be controlled in compliance with Chapter 17.62.
- G. Hazardous and toxic materials control. The use of toxic and hazardous materials shall be controlled, with the project applicant filing with the City Engineer the following plans for control:
- 1. A Hazardous Materials Handling and Spill Response Plan, for industrial facilities;
 - 2. A plan for handling grease, in compliance with Municipal Code Section 14.16.100 (Fats, Oils, and Grease (FOG) Control), for restaurants; and
 - 3. A plan for reduced use of pesticides and herbicides as part of the Water Conservation Landscaping Plans for commercial, industrial, retail and multi-family developments.

Section 17.64.045 states:

Developments of Special Water Quality Concern.

- A. Categories of Developments of Special Water Quality Concern. The categories of development listed below have the potential for greater adverse coastal water quality impacts, due to the development size, type of land use, impervious site coverage, or proximity to coastal waters. A development in one or more of the following categories shall be considered a “Development of Special Water Quality Concern,” and shall be subject to additional requirements (see B, below) to protect coastal water quality.

Developments of Special Water Quality Concern include the following:

1. Housing developments of ten or more dwelling units.
2. Hillside developments on slopes greater than 12 percent, located in areas with highly erodible soil.
3. Developments that result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
4. Parking lots with 5,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.
5. Heavy industrial developments.
6. Vehicle service facilities (including retail gasoline outlets, commercial car washes, and vehicle repair facilities).
7. Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the City Engineer based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or waterbodies.
8. All developments within 125 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area.

“Discharge directly to” the ocean or a waterbody means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.
9. Any other development determined by the review authority to be a Development of Special Water Quality Concern.

- B. Additional Requirements for Developments of Special Water Quality Concern. In addition to all requirements for a Runoff Mitigation Plan, all Developments of Special Water Quality Concern (as identified in A, above)

shall be subject to the following four additional requirements to protect coastal water quality:

1. Submittal of Water Quality Management Plan. At the time of submittal of an application for the first planning approval for a proposed Development of Special Water Quality Concern the applicant must submit a preliminary Water Quality Management Plan. Prior to issuance of building Permits, the applicant shall submit to the City Engineer for approval a Water Quality Management Plan (WQMP) prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.
2. Selection of Structural Treatment Control BMPs. If the review authority determines that the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters as required by Policy OS-9.3, structural Treatment Control BMPs shall also be required. The WQMP for a Development of
3. Special Water Quality Concern shall describe the selection of Treatment Controls BMPs, and applicants shall first consider the BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.
4. 85th Percentile Design Standard for Treatment Control BMPs which is defined as a storm of 0.8 inches in a 24 hr period. For post-construction treatment of runoff in Developments of Special Water Quality Concern, Treatment Control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs goal for runoff reduction. In developing a Water Quality Management Plan, an applicant shall demonstrate that the Development of Special Water Quality Concern shall be designed and managed so that the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.

C. Submittal Requirements for a Water Quality Management Plan.

The applicant for a Development of Special Water Quality Concern shall submit a preliminary post-construction Water Quality Management Plan

(WQMP) at the time of the planning permit application. At the time of the submission of the grading or building permit, the applicant shall submit a final Water Quality Management Plan (WQMP) which shall be prepared by a qualified licensed professional approved by the City. The Water Quality Management Plan shall include, but not be limited to, the following information, as determined by the review authority:

1. All the information required in a Runoff Mitigation Plan.
2. Site Design and Source Control BMPs that will be implemented to minimize post-construction impacts to water quality and coastal waters.
3. Appropriate structural Treatment Control BMPs as required by the review authority, that are known to be effective in removing the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process.
4. A justification if the most efficient Treatment Control BMP, or combination of BMPs, is deemed infeasible.
5. A Hydrological Study based on the City's standard methodology of comparing pre- and post-construction hydrological conditions, demonstrating that the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.
6. Measures to treat, infiltrate, or filter runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the parcel, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, structural Treatment Control BMPs including biofilters, grassy swales, detention ponds, or dry wells.
7. A description of how the BMPs (or suites of BMPs) have been designed to treat, infiltrate, or filter the amount of stormwater runoff produced according to a methodology approved by the City Engineer.
8. A draft long-term inspection and maintenance agreement for all structural Treatment Control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development.

Section 17.64.050 states:

Drainage Structure Stenciling.

Where a catch basin or other drainage structure is constructed or modified for a proposed project, a marker or stenciling with written and/or graphic information discouraging the dumping, discarding, and/or discharge of pollutants into the storm drain system shall be permanently affixed to the storm drain inlet in a location approved by the City Engineer. The information shall be painted, stamped into the concrete, or provided on a metal plaque affixed to the structure as approved by the City Engineer or his or her designee.

Section 17.64.060 states:

Pollution Prevention Agreements.

Prior to final building inspection, the issuance of a Certificate of Occupancy, or the filing of a Final Map, as applicable, the applicant shall enter into a Pollution Prevention Agreement with the City or other agency designated by the City. The agreement shall include, but is not limited to, the following provisions:

- A. Authorization for the City or other agency designated by the City to inspect on-site pollution prevention facilities with respect to the accumulation and concentration of pollutants, garbage and/or debris, so as to prevent the discharge of pollutants, garbage and/or debris into streets and/or the storm drainage system;
- B. Fair share participation in the periodic cleaning of storm drain facilities, increases in street sweeping, and increases in the emptying of roadside trash receptacles resulting from the project;
- C. Fair share participation in the funding of the City's Public Information and Education Programs for the disposal of waste, recycling, and water conservation; and
- D. Requirements that any applicable conditions, covenants, and restrictions (CC&Rs) include statements encouraging homeowners, and persons in control of homes and businesses to:
 1. Prevent the improper disposal of litter, lawn/garden clippings and pet feces into streets or other areas where runoff may carry pollutants into the storm drainage system;
 2. Remove dirt, trash and debris from sidewalks and alleys that may contribute pollutants to stormwater runoff;
 3. Recycle oil, glass, plastic, and other materials to prevent improper disposal into the storm drainage system;
 4. Properly dispose of household hazardous waste to prevent improper disposal into storm drainage system; and

5. Properly use and conserve water.
- E. Provisions for the long-term maintenance or repair of post-construction BMPs, including structural BMPs.
- F. Authorization for the City or other agency designated by the City to evaluate the effectiveness of installed BMPs, and to require that additional BMPs be implemented if the installed BMPs are not effective in minimizing impacts to water quality and coastal waters.

Section 17.64.070 states:

Post-Construction Best Management Practices.

A. Post-Construction BMP Requirements.

1. Emphasize Site Design and Source Control BMPs. Long-term post-construction Best Management Practices (BMPs) that protect water quality and control runoff flow shall be incorporated in the project design of development that has the potential to adversely affect water quality in the following order of emphasis:
 - a. Site Design BMPs: Any project design feature that reduces the creation or severity of potential pollutant sources, or reduces the alteration of the project site's natural flow regime. Examples include minimizing impervious surfaces, and minimizing grading.
 - b. Source Control BMPs: Any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution. Examples include covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
 - c. Treatment Control BMPs: Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples include vegetated swales, and storm drain inserts.
2. Incorporate Site Design and Source Control. Site Design BMPs may reduce a development's need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the need for Treatment Control BMPs. Therefore, all development that has the potential to adversely affect water quality shall incorporate effective post-construction Site Design and Source Control BMPs, where applicable and feasible, to minimize adverse impacts to water quality and coastal waters resulting from the development. Site Design and Source Control BMPs may

include, but are not limited to, those outlined in the City's Storm Water Management program.

3. Incorporate Treatment Control BMPs if Necessary. If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policy OS-9.3, as determined by the review authority, development that has the potential to adversely affect water quality shall also incorporate post-construction Treatment Control BMPs. Projects of Special Water Quality Concern (see 17.64.045) are presumed to require Treatment Control BMPs to meet the requirements of OS-9.3.

Treatment Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program, including biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inserts, wet vaults, or hydrodynamic separator systems.

- B. Site Design and Source Control BMP Requirements. Development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating BMPs designed to ensure the following:

1. Use Integrated Management Practices in Site Design. The city shall require, where appropriate and feasible, the use of small-scale integrated management practices (e.g., Low Impact Development designs) designed to maintain the site's natural hydrology by minimizing impervious surfaces and infiltrating stormwater close to its source (e.g., vegetated swales, permeable pavements, and infiltration of rooftop runoff).
2. Preserve Functions of Natural Drainage Systems. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, where appropriate and feasible. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.
3. Minimize Impervious Surfaces. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, where feasible. Redevelopment shall reduce the impervious surface site coverage, where feasible. All permeable pavement that is not effective in infiltrating as designed will be replaced with effective stormwater detention and infiltration methods.

Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain

directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

4. Infiltrate Stormwater Runoff. Development shall maximize on-site infiltration of stormwater runoff, where appropriate and feasible, to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants.

Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

- a. Divert Stormwater Runoff into Permeable Areas. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas, where appropriate and feasible, to enhance on-site stormwater infiltration capacity.
 - b. Encourage Use of Permeable Pavements. To enhance stormwater infiltration capacity, development shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.
5. Avoid Steep Slopes with Highly Erodible Soil. Where feasible, development shall be sited and designed to avoid areas on steep slopes (i.e., 12% or greater) with highly erodible soil. Developments on these hillside areas are considered Developments of Special Water Quality Concern, and are subject to additional requirements (see 17.64.045).
 6. Landscape with Native Plant Species. The City shall encourage development to use drought-resistant native plant species for landscaping, to reduce the need for irrigation and landscaping chemicals (e.g., pesticides and fertilizers).
- C. Site Operation and Management BMPs. The owner, occupant, or other person in charge of day-to-day operation of all premises within the City shall implement the Best Management Practices, as applicable, as follows.
1. Permittees shall be required to continue the operation, inspection, and maintenance of all post-construction BMPs as necessary to ensure their effective operation for the life of the development.
 2. For premises with parking lots of more than 5,000 square feet in area, that are exposed to stormwater, and that are associated with industrial or

commercial activities (according to the United States Office of Management and Budget Standard Industrial Classification Code), the owner, occupant, or other person in charge of day-to-day operation shall use BMPs to reduce the discharge of pollutants to the maximum extent feasible. Such measures may include street sweeping or other measures, if effective.

3. For premises where machinery or other equipment which is repaired or maintained at facilities or activities associated with industrial or commercial activities, (according to the United States Office of Management and Budget Standard Industrial Classification Manual), the owner, occupant, or other person in charge of day-to-day operations shall use BMPs or other steps to prevent discharge of maintenance or repair related pollutants to the City's storm drain system.
4. For other premises exposed to stormwater, the owner, occupant, or other person in charge of day-to-day operations shall use BMPs, if they exist, or other methods to reduce the discharge of pollutants to the maximum extent feasible. Such measures may include the removal and lawful disposal of any solid waste or any other substance that, if it were to be discharged to the storm drain system, would be a pollutant, including fuels, waste fuels, chemicals, chemical wastes, and animal wastes, from any part of the premises exposed to stormwater.
5. For premises which fall under the requirements for the Industrial SWPPP per Federal Law, the site annual reports and monitoring reports shall also be submitted to the City Engineer.

BMP IMPLEMENTATION TABLES

Table 1. Pollutants Generated by Development Category

Development Categories	Pollutants generated by various development categories include, but are not limited to:								
	Sediments	Nutrients	Heavy Metals	Organic Compounds	Trash & Debris	Oxygen Demanding Substances	Oil & Grease	Bacteria & Viruses	Pesticides
Detached Residential Developments	X	X			X	X	X	X	X
Attached Residential Developments	X	X			X	P ⁽¹⁾	P ⁽²⁾	P	X
Commercial Developments >100,000 ft ²	P ⁽¹⁾	P ⁽¹⁾		P ⁽²⁾	X	P ⁽⁵⁾	X	P ⁽³⁾	P ⁽⁵⁾
Automotive Service Facilities			X	X ⁽⁴⁾⁽⁵⁾	X		X		
Retail Gasoline Outlets			X	X ⁽⁴⁾⁽⁵⁾	X		X		
Restaurants					X	X	X	X	
Hillside Developments	X	X			X	X	X		X
Parking Lots	P ⁽¹⁾	P ⁽¹⁾	X		X	P ⁽¹⁾	X		P ⁽¹⁾
Streets, Highways & Freeways	X	P ⁽¹⁾	X	X ⁽⁴⁾	X	P ⁽⁵⁾	X		
X = anticipated P = potential									
(1) A potential pollutant if landscaping exists on-site (2) A potential pollutant if the project includes uncovered parking areas (3) A potential pollutant if land use involves food or animal waste products (4) Including petroleum hydrocarbons (5) Including solvents									
Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.									

Table 2. Areas for Site Design and Source Control BMP Implementation by Development Category

Development Categories	Specific areas for Implementation of Site Design and Source Control BMPs include, but are not limited to:													
	Private Roads	Residential Driveways & Guest Parking	Loading/Unloading Dock Areas	Repair/Maintenance Bays	Vehicle Wash Areas	Outdoor Processing Areas	Equipment Wash Areas	Parking Areas	Roadways	Fueling Areas	Hillside Landscaping	Outdoor Material Storage Areas	Trash Storage Areas	Pools and Spas
Detached Residential Developments	R	R									R			R
Attached Residential Developments	R												R	R
Commercial Developments >100,000 ft ²			R	R	R	R						R	R	
Automotive Service Facilities			R	R	R		R			R		R	R	
Retail Gasoline Outlets			R	R	R		R			R		R	R	
Restaurants			R				R					R	R	
Hillside Developments	R										R			
Parking Lots								R					R	
Streets, Highways & Freeways									R					

R = Required to minimize pollutants of concern by selecting appropriate Site Design and Source Control BMPs.

Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.

Table 3. Treatment Control BMP Efficiency for Pollutants of Concern

(1)

Efficiency of Treatment Control BMP categories for removal of pollutants of concern include, but are not limited to:							
Pollutants of Concern	Biofilters	Detention Basins	Infiltration Basins ⁽²⁾	Wet Ponds or Wetlands	Drainage Inserts	Filtration	Hydrodynamic Separator Systems ⁽³⁾
Sediment	M	H	H	H	L	H	M
Nutrients	L	M	M	M	L	M	L
Heavy Metals	M	M	M	H	L	H	L
Organic Compounds	U	U	U	U	L	M	L
Trash & Debris	L	H	U	U	M	H	M
Oxygen Demanding Substances	L	M	M	M	L	M	L
Bacteria	U	U	H	U	L	M	L
Oil & Grease	M	M	U	U	L	H	L
Pesticides	U	U	U	U	L	U	L
<p>L = Low removal efficiency for this pollutant M = Medium removal efficiency for this pollutant H = High removal efficiency for this pollutant U = Unknown removal efficiency for this pollutant</p> <p>(1) The City is encouraged to periodically assess the performance characteristics of these BMPs to update this table.</p> <p>(2) Includes trenches and permeable pavement</p> <p>(3) Also known as hydrodynamic devices and baffle boxes</p>							
<p>Sources: Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (1993), National Stormwater Best Management Practices Database (2001), and Guide for BMP Selection in Urban Developed Areas (2001).</p>							
<p>Note: Table adapted from the City of Carpinteria's Water Quality Protection Ordinance.</p>							

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Appendix F: Excerpts from City of Fort Bragg certified LCP Related to Geologic Hazards Contention

RELEVANT LAND USE PLAN (LUP) POLICIES

Policy OS-3.1 states:

Soil Erosion: Minimize soil erosion to prevent loss of productive soils, prevent landslides, and maintain infiltration capacity and soil structure.

Policy OS-14.3 states:

Minimize Disturbance of Natural Vegetation. Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which are important for preventing erosion and sedimentation.

Policy OS-14.4 states:

Stabilize Soil Promptly. Development shall implement soil stabilization BMPs (including, but not limited to, re-vegetation) on graded or disturbed areas as soon as feasible.

Policy OS-14.5 states:

Grading During Rainy Season. Grading is prohibited during the rainy season (from November 1 to March 30), except in response to emergencies, unless the review authority determines that soil conditions at the project site are suitable, and adequate erosion and sedimentation control measures will be in place during all grading operations.

Policy SF-1.1 states:

Minimize Hazards: New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Policy SF-1.3 states:

Geotechnical report required. Applications for development located in or near an area subject to geologic hazards, including but not limited to areas of geologic hazard shown on Map SF-1, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures, and demonstrates that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Such study shall be conducted by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE) and shall be prepared consistent with the requirements of Section 18.54.040(C) of the Coastal Land Use and Development Code. *Refer to Map SF-1: Geologic Hazards. Refer to the General Plan Glossary for definitions of these terms.*

Goal SF-2 states: Reduce seismic and geologic-related hazards.

RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS

Section 17.54.010 states:

Purpose.

This Section provides requirements to ensure that development in the Coastal Zone shall:

- A. Minimize risks to life and property in areas of high geologic, fire, and flood hazard;
- B. Ensure structural integrity and stability; and
- C. Neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 17.60.010 states, in relevant part:

Title and Purpose.

This Chapter and Chapter 17.62 (Grading, Erosion, and Sediment Control Standards) are and may be cited as the City of Fort Bragg Grading Ordinance. These provisions are enacted for the purpose of regulating grading within the City, and establish standards for grading, including filling and excavation activities, to:

- A. Minimize hazards to life and property;

Section 17.60.080 states, in relevant part:

Grading Operations and Inspections.

All grading operations for which a permit is required shall be subject to inspection as required by the City Engineer to ensure compliance with the approved plans and any permit conditions.

- C. Special inspections and certifications. The City Engineer may require special inspections or certifications as deemed necessary to ensure proper completion of grading work, and/or to mitigate or avoid environmental impacts, or hazards to property or the public.
1. Type of inspections and certifications. Special inspections and certifications may include, but shall not be limited to requiring: the permittee to provide a private geotechnical engineer and/or other consultants approved by the City Engineer to perform continuous inspection of work in progress and to certify the proper completion of work; inspection and testing by an approved testing agency; and/or the submittal of periodic progress reports.
 2. Notification of noncompliance. Where the use of special inspectors, engineers or consultants is required, these personnel shall immediately report in writing to the City Engineer and permittee any instance of work not being done in compliance with this Development Code, other applicable codes, or the approved grading plans, and shall also provide recommendations for corrective measures, if determined by the inspector to be necessary.
 3. Transfer of responsibility for approval. If a required special inspector, engineer or consultant is changed during the course of work, the work shall be stopped until the replacement individual has notified the City Engineer in writing of their agreement to accept responsibility for approval of the completed work within the area of their technical competence.

...

Section 17.62.010 states:

Purpose and Applicability.

- A. Purpose and applicability. This Chapter provides standards for the proper conduct of grading operations, as well as site development activities not involving grading permits. All grading operations, regardless of size, shall be conducted in a manner consistent with the requirements of this Chapter, regardless of whether a grading permit is required by Section 17.60.030 (Grading Permit Requirements).
- B. Definitions. Definitions of the technical terms and phrases used in this Chapter are in Article 10 (Glossary & Index) under "Grading."

Section 17.62.030 states, in relevant part:

Erosion, Sediment, and Other Construction Pollution Control.

Erosion, sediment, and other polluted runoff generated during construction shall be controlled by temporary construction-phase Best Management Practices (BMPs) as provided by this Section.

A. Best Management Practices for projects under construction. The following Best Management Practices which address the problem of polluted runoff from construction sites shall apply to all development and proposed land uses. The following requirements shall apply at the time of demolition of an existing structure or commencement of construction and until receipt of a Certificate of Occupancy.

...

2. Minimize Land Disturbance During Construction. Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.
3. Minimize Disturbance of Natural Vegetation. Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which are important for preventing erosion and sedimentation.
4. Grading during the rainy season. Grading is prohibited during the rainy season (from November 1 to March 30), except in response to emergencies, unless the City Engineer determines that soil conditions at the project site are suitable, and adequate erosion and sedimentation control measures will be in place during all grading operations. Should grading be permitted during the rainy season (see Section 17.62.050), the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized.
5. Slope surface stabilization. Temporary mulching, seeding, or other suitable soil stabilization measures approved by the City Engineer shall be used to protect exposed erodible areas during construction. Soil stabilization BMPs shall be implemented on graded or disturbed areas as soon as feasible. Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.

6. Use of plastic covering. On an emergency basis only, plastic covering may be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff.

...

- B. Final erosion control measures. All disturbed areas shall be stabilized prior to October 15th, or as soon thereafter as feasible, and in all cases before November 1, to provide sufficient time for seed germination prior to the rainy season. All surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, shall be revegetated to control erosion as provided by Section 17.62.070 (Revegetation and Slope Surface Stabilization) unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical, chemical, or vegetative measures, including those described in USDA Soil Conservation Service Bulletin 347.

Section 17.62.050 states:

Grading During the Rainy Season.

Grading may only be permitted during the period from November 1 through March 30 if the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations.

Section 17.62.070 states:

Revegetation and Slope Surface Stabilization.

Where natural vegetation has been removed through grading in areas that are not to be occupied by structures, the areas shall be replanted in compliance with the approved revegetation plan and this Section to prevent erosion after construction is completed.

- A. Preparation for revegetation. Topsoil removed from the surface in preparation for grading and construction shall be stored on or near the site and protected from erosion while grading operations are underway, provided that topsoil storage shall not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of grading, topsoil shall be restored to exposed cut and fill embankments or areas around building pads to provide a suitable base for seeding and planting.
- B. Methods of revegetation. Acceptable methods of revegetation include hydro mulching, or the planting of native plant materials with equivalent germination rates. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover shall be sown at not less than four pounds to

each 1,000 square feet of land area. Other revegetation methods offering equivalent protection may be approved by the City Engineer. Plant materials shall be watered at intervals sufficient to ensure survival and growth. The use of drought tolerant, fire resistive native plant materials are encouraged.

- C. Timing of revegetation measures. Revegetation for the purpose of erosion and sediment control (Section 17.62.030) shall be installed within 30 days after completion of grading on all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover. Other permanent revegetation or landscaping should begin on the construction site as soon as practical and shall begin no later than six months after achieving final grades and utility emplacements. All revegetation shall occur prior to October 1, or as soon thereafter as practical and, in all cases, before November 1st, to provide sufficient time for seed germination prior to the rainy season.

Section 17.62.100 states, in relevant part:

Storm Drainage and Runoff.

...

- D. Minimize Erosion. Long-term drainage improvements for site runoff, including runoff from all roadways and other impervious surfaces, shall be designed to minimize erosion through the appropriate use of rocked culvert inlets and outfalls, energy dissipaters, check dams, cribbing, riprap, proper location of culverts, revegetation of exposed slopes (see Section 17.62.070), and minimizing the use of artificial slopes.

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Appendix G: Excerpts from City of Fort Bragg certified LCP Related to Water Supply and Landscaping

RELEVANT LAND USE PLAN (LUP) POLICIES

Program LU-3.1.1 states:

Develop streetscape and landscape requirements to enhance the pedestrian environment, encourage an active commercial setting, and reduce traffic congestion in the Central Business District.

Policy PF-1.2 states, in relevant part:

Ensure Adequate Services and Infrastructure for New Development. No permit for development shall be approved unless it can be demonstrated that such development will be served upon completion with adequate services, including but not limited to potable water; wastewater collection, treatment and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal; as applicable to the proposed development.

- a. Demonstration of adequate water and sewer facilities shall include evidence that adequate capacity will be available within the system to serve the development and all other known and foreseeable development the system is committed to serving, and that the municipal system will provide such service for the development;

Policy PF-1.3 states:

Ensure Adequate Service Capacity for Priority Uses.

- a. New development that increases demand for new services by more than one equivalent dwelling unit (EDU) shall only be permitted in the Coastal Zone if,
 - Adequate services do or will exist to serve the proposed development upon completion of the proposed development, and
 - Adequate services capacity would be retained to accommodate existing, authorized, and probable priority uses upon completion. Such priority uses include, but are not limited to, coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational uses in commercial, industrial, parks and recreation, and public facilities districts.

Probable priority uses are those that do not require an LCP amendment or zoning variance in the Coastal Zone.

- b. Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Such findings shall be based on evidence that adequate service capacity remains to accommodate the existing, authorized, and probable priority uses identified above.

Policy PF-2.2 states:

Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies. In addition to providing capacity for potential build-out under the City General Plan outside the coastal zone, any expansion of capacity of water facilities shall be designed to serve no more than the maximum level of development in the coastal zone allowed by the certified LCP that is consistent with all other policies of the LCP and Coastal General Plan. The City shall identify and implement water system improvements or changes in service areas that are designed to ensure adequate service capacity to accommodate existing, authorized, and projected probable future coastal dependent priority uses. Such uses include, but are not limited to, industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in commercial, industrial, parks and recreation, and public facilities districts.

Policy PF-2.3 states:

Emergency Water Supply: Develop an emergency water supply for disaster preparedness.

Program PF-2.4.1 states: Continue to maintain the water collection, treatment, and distribution system to ensure compliance with all State requirements for a public drinking water system.

Program PF-2.4.2 states: Provide security and protection for the watersheds and water storage and treatment facilities with monitoring, appropriate notices, physical barriers, and protective devices as well as land use policies and controls.

Program PF-2.4.3 states: Develop long range management and improvement programs for the watersheds. These plans should include management practices and methods of protecting the water source from degradation.

Program PF-2.4.4 states: Develop and secure additional water storage capacity to meet potential buildout water use needs for the City of Fort Bragg.

Policy OS-11.8 states:

Landscape with Native Plant Species. The City shall encourage development to use drought-resistant native plant species for landscaping, to reduce the need for irrigation and landscaping chemicals (e.g., pesticides and fertilizers).

Policy CD-2.7 states:

Landscaping: Encourage attractive native and drought-tolerant landscaping in residential and commercial developments.

RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS

Section 17.34.020 states, in relevant part:

Applicability.

This Chapter shall govern the review and approval of Use Permits, coastal development permits, and all other applicable planning permits.

- A. New projects. Each new nonresidential and multi-family residential project shall provide landscaping in compliance with this Chapter. All residential development projects shall provide street trees in compliance with Section 17.34.060.B.2.d(3).
- B. Existing development. The approval of a Coastal Development Permit, Minor Use Permit, Use Permit, Minor Variance, Variance, or application for Design Review for physical alterations and/or a change in use within an existing development may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this Chapter.
- C. Timing of installation. Required landscape and irrigation improvements shall be installed before final building inspection. The installation of landscaping for a residential project may be deferred for a maximum of 90 days in compliance with Section 17.76.060 (Performance Guarantees).
- D. Alternatives to requirements. The review authority may modify the standards of this Chapter, with the exception of the standards of Section 17.34.060(E), to accommodate alternatives to required landscape materials or methods, where the review authority first determines that the proposed alternative will be equally or more effective in achieving the purposes of this Chapter. The review authority may also modify the requirements of this Chapter to accommodate an affordable housing project in compliance with Chapters 17.31 (Density Bonuses and Affordable Housing Incentives), and 17.32 (Inclusionary Housing Requirements).

Section 17.34.040 states:

Landscape and Irrigation Plans.

- A. Preliminary Landscape Plan. A Preliminary Landscape Plan shall be submitted as part of each application for new development, or the significant expansion (e.g., 25 percent or more of floor area), or redevelopment of an existing use, as determined by the Director.
- B. Final Landscape Plan. After planning permit approval, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. A Final Landscape Plan shall be approved by the review authority before the start of grading or other construction, and before the issuance of a Building Permit.
- C. Content and preparation.
 - 1. Required information. Preliminary Landscape Plans and Final Landscape Plans shall contain the information required for landscape plans by the Department. However, at a minimum, the plans shall include the following information:
 - a. Preliminary Landscape Plans. Location of proposed materials, including the identification of ground covers, shrubs, and trees.
 - b. Final Landscape Plans. Detailed drawings and specifications clearly identifying the name, size, and precise location of all materials, as well as the precise location and technical description of the irrigation system and its individual components.
 - 2. Preparation by qualified professional. Each landscape plan for five or more dwelling units, or a non-residential project submitted in compliance with this Chapter shall be prepared by a California licensed landscape architect, licensed landscape contractor, certified nurseryman, or other professional determined by the Director to be qualified.
- D. Review and approval. After initial application, the Director shall review each Preliminary Landscape Plan and Final Landscape Plan to verify its compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may disapprove or require changes to a submittal if it is not in compliance.
- E. Statement of surety. When required by the Director, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all approved landscaping before occupancy of the site.

- F. Changes to approved landscape plans. The Director may authorize minor changes from the requirements of this Chapter.
 - 1. For purposes of this Section, minor changes shall be defined as changes to the Final Landscape Plans that are not visible and do not effect the theme or character established for the subject development project.
 - 2. If the Director determines that a requested change does not comply with the definition of minor in Subsection F.1, above, the requested change may only be approved by the review authority that originally approved the plans.

Section 17.34.050 states, in relevant part:

Landscape Location Requirements.

Landscaping shall be provided in all areas of a site subject to development with structures, grading, or the removal of natural vegetation, as follows.

- A. Setbacks. The setback and open space areas required by this Development Code, and easements for utilities and drainage courses shall be landscaped, except where:
 - 1. Occupied by approved structures or paving;
 - 2. They are retained in their natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this Chapter.
- B. Unused areas. Any area of a project site not intended for a specific use, including a commercial pad site intended for future development, shall be landscaped unless retained in its natural state, and the review authority determines that landscaping is not necessary to achieve the purposes of this Chapter.
- C. Parking areas. Parking areas shall be landscaped as follows.
 - 1. Landscape materials. Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.
 - 2. Curbing. Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. The review authority may approve alternative barrier designs to protect landscaped areas from damage by vehicles, and to allow infiltration of parking lot stormwater runoff into landscaped areas.
 - 3. Runoff detention, retention, or infiltration. The design of landscaped areas for parking lots shall consider, and may, where appropriate, be required to

include provisions for the on-site detention, retention, and/or infiltration of stormwater runoff, which reduces and slows runoff, and provides pollutant cleansing and groundwater recharge. Where landscaped areas are designed for detention, retention, and/or infiltration of stormwater runoff from the parking lot, the following provisions shall apply:

- a. Recess landscaped areas. Landscaped areas shall be recessed below the surface of the pavement, to allow stormwater runoff from the parking lot to flow into the landscaped area and infiltrate into the ground.
 - b. Provide curb cuts. Curb cuts shall be placed in curbs bordering landscaped areas, or else curbs shall not be installed, to allow stormwater runoff to flow from the parking lot into landscaped areas.
4. Perimeter parking lot landscaping. All surface parking areas shall be provided a fence, or landscape buffer between the parking area, and streets and adjoining properties, and the open areas between the property line and the public street right-of-way shall be landscaped.
- a. Adjacent to streets and only where allowed by Section 17.36.090 or preexisting conditions.
 - i) A parking area for a nonresidential use adjoining a public street, where allowed by Section 17.36.090.C (Parking Design and Development Standards - Location) shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zoning district or 15 feet, whichever is more.
 - ii) A parking area for a residential use, except for a single-family dwelling or duplex, shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the applicable zoning district.
 - iii) The landscaping shall be designed and maintained to screen cars from view from the street to a minimum height of 36 inches, but shall not exceed any applicable height limit for landscaping within a setback.
 - iv) Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices which meet the intent of this requirement.
 - v) Shade trees shall be provided at a minimum rate of one for every 25 linear feet of landscaped area, or other spacing as

determined by the review authority to be appropriate to the site and surrounding development.

- vi) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.060.E (Height limit at street corners).
- b. Adjacent to side or rear property lines. Parking areas for nonresidential uses shall provide a perimeter landscape strip at least eight feet wide (inside dimension) where the parking area adjoins a side or rear property line. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required. Trees shall be provided at the rate of one for each 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.
- c. Adjacent to structures. When a parking area is located adjacent to a nonresidential structure, a minimum eight-foot wide (inside dimension) landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian accessways. The required width of the landscape strip may be reduced by the review authority where it determines that overall site area is insufficient to accommodate allowable structures and required parking.
- d. Adjacent to residential use. A parking area for a nonresidential use adjoining a residential use shall provide a landscaped buffer setback with a minimum 10-foot width between the parking area and the common property line bordering the residential use.
 - i) A solid decorative masonry wall or solid fence, except for approved pedestrian access, and landscape buffer shall be provided along the property line to address land use compatibility issues (e.g., nuisance noise and light/glare) as determined by the review authority.
 - ii) Trees shall be provided at the rate of one for each 25 linear feet of landscaped area, or other spacing as determined by the review authority to be appropriate to the site and surrounding development.

Section 17.34.060 states:

Landscape Standards.

- A. Landscape design. The required landscape plan shall be designed to integrate all elements of the project (e.g., buildings, parking lots, and streets)

to achieve their aesthetic objectives, desirable microclimates, stormwater runoff infiltration objectives, and minimization of water and energy demand.

1. Plant selection and grouping. Plant materials shall be selected for: water demand and drought tolerance; adaptability and relationship to the Fort Bragg environment, and the geological and topographical conditions of the site; color, form, and pattern; ability to provide shade; and soil retention capability.
 - a. Plants having similar water use shall be grouped together in distinct hydrozones.
 - b. The protection and preservation of native species and natural areas is encouraged, and may be required by conditions of approval as a result of project review in compliance with the California Environmental Quality Act (CEQA).
 - c. Fire prevention shall be addressed on sites in any wooded or vegetated area of the City identified by the Fire Department as being fire prone, by reducing fuel between development areas and naturally vegetated areas, as identified by the Director.
2. Minimum dimensions. Each area of landscaping shall have a minimum interior width of eight feet within the residential and commercial zoning districts, and five feet in the industrial zoning districts. These dimensions may be reduced where the review authority determines they are infeasible because of limited site area. Wherever this Development Code requires a landscaped area of a specified width, the width shall be measured within any curb or wall bordering the landscaping area.
3. Height limits. Landscape materials shall be selected, placed on a site, and maintained to not:
 - a. Exceed a maximum height of 42 inches within a traffic safety visibility area required by Section 17.30.060.E, except for one or more trees with the lowest portion of their canopy maintained at a minimum height of six feet above grade; or
 - b. Interfere with the proper operation of solar energy equipment or passive solar design on adjacent parcels.
4. Protective curbing. Required landscaping shall be protected with a minimum six-inch high concrete curb, except where adjacent to bicycle paths, or where the landscaped area is designed to infiltrate stormwater runoff from adjacent impermeable surfaces, or where otherwise deemed unnecessary by the Director.

5. Safety requirements. Landscape materials shall be located so that at maturity they do not:
 - a. Interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
 - b. Conflict with overhead utility lines, overhead lights, or walkway lights; or
 - c. Block pedestrian or bicycle ways.
 6. Water features. Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems.
- B. Plant material. Required landscape shall include trees, shrubs, and ground covers, as follows.
1. Size at time of planting. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a 15-gallon container for trees, five-gallon container for specimen shrubs and six-inch pots for mass planting, unless otherwise approved by the review authority on the basis that the alternate size will achieve the desired immediate effect equally well.
 2. Trees. Tree planting shall comply with the following standards.
 - a. Trees shall not be planted under any structure that may interfere with normal growth (for example, an eave, overhang, balcony, light standard or other similar structure).
 - b. Trees in landscape planters less than 10 feet in width or located closer than five feet from a permanent structure shall be provided with root barriers/root barrier panels.
 - c. Trees shall be staked in compliance with standards provided by the Department.
 - d. At a minimum, the required landscape shall include the following number of trees:
 - i) Parking area: refer to Section 17.34.050.C (Parking areas).
 - ii) Street setbacks: one per 200 square feet of landscaped area.
 - iii) Street trees: one per 30-foot length of right-of-way. The review authority may modify this requirement depending on the chosen tree species and its typical spread at maturity.

3. Groundcover and shrubs. The majority of areas required to be landscaped shall be covered with groundcover, shrubs, turf, or other types of plants that are predominantly drought tolerant.
 - a. A minimum of two, five-gallon size shrubs shall be provided for every six feet of distance along street setbacks, or as approved by the Director.
 - b. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year.
 - c. Artificial groundcover or shrubs shall not be allowed.
 - d. Crushed rock, redwood chips, pebbles, stone, and similar materials shall be allowed up to 15 percent of the total required landscape area. Artificial or synthetic ground covers are not allowed.
 - e. Nonturf areas (e.g., shrub beds) shall be top dressed with a bark chip mulch or approved alternative.
4. Turf. Turf shall be limited to 50 percent of the total landscaped area on the site where the applicant provides calculations approved by the Director that demonstrate that the irrigation requirements will not exceed standard low water usage. No turf shall be allowed:
 - a. In any area of 10 feet or less in width; or
 - b. On any slope exceeding 10 percent (25 percent, where other project water-saving techniques compensate for the increased runoff). A level buffer zone of 18 inches shall be provided between bermed turf areas and any hardscape (e.g., any street, walkway, or similar feature).
5. Soil conditioning and mulching.
 - a. A minimum one-foot depth of uncompacted soil shall be available for water absorption and root growth in each planted area.
 - b. A soil test for horticultural suitability shall be required at time of landscape installation in each landscaped area. Soil shall be prepared and/or amended to be suitable for the landscape to be installed.
 - c. A minimum of two inches of mulch shall be added in each nonturf area to the soil surface after planting. Any plant type that is intolerant to mulch shall be excluded from this requirement. Nonporous material shall not be placed under the mulch.

- C. Irrigation system requirements. All landscaped areas except those approved for maintenance with intentionally unirrigated native plants shall include an automatic irrigation system.
1. Water-efficient systems (e.g., drip, mini-spray, bubbler-type, or similar system) shall be used unless infeasible. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas. Turf areas shall be sized and shaped so they can be efficiently irrigated. Spray or run-off onto paved areas shall be avoided.
 2. Dual or multi-program controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., lawn, ground cover, shrub, tree areas), or a variety of solar aspects. Soil moisture-sensing devices and rain sensors shall be used on larger projects (50,000 plus square feet of landscaped area) to minimize or eliminate over-watering.
 3. Watering shall be scheduled at times of minimal wind conflict and evaporation loss.
 4. Sprinkler heads must have matched precipitation rates within each valve zone.
 5. Check valves are required where elevation differential may cause low head drainage.
- D. Certification of landscape completion. The completion of required landscaping and irrigation improvements shall be certified by the author of the landscape and irrigation plan, through a signed statement submitted to the Director.
- E. Environmentally Sensitive Habitat Areas. All development located within or adjacent to environmentally sensitive habitat areas shall be conditioned to:
1. Require all proposed plantings be obtained from local genetic stocks within Mendocino County. If documentation is provided to the review authority that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used. If local genetic stocks within the floristic province are unavailable, the Director may authorize use of a commercial native mix, provided it is clear of problematic and/or invasive seed. Director may also authorize use of a seed mix that is selected for rapid senescence to be subsequently complimented or replaced with native stock; and
 2. Require an invasive plant monitoring and removal program; and

3. Prohibit the planting of any plant species on the property that is (a) listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, and/or by the State of California, or (b) listed as a “noxious weed” by the State of California or the U.S. Federal Government.

Section 17.34.070 states (**emphasis added**):

Maintenance of Landscape Areas.

- A. Maintenance required. All site landscaping shall be maintained in a healthful and thriving condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments; pruning; and weeding all landscaped areas.
- B. Maintenance agreement. Prior to final building inspection or the issuance of a certificate of occupancy, and prior to the recordation of a final subdivision map where applicable, the applicant shall enter into a landscape maintenance agreement with the City to guarantee proper maintenance in compliance with Subsection A. The form and content of the agreement shall be approved by the City Attorney and the Director.
- C. Water waste prohibited. Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures is prohibited.**
- D. Enforcement. Failure to maintain landscape areas in compliance with this Section shall be deemed a nuisance, and shall be subject to abatement in compliance with the Municipal Code, and/or the applicable planning permit may be revoked.

Section 17.50.080 states:

Water Supply.

The quality and quantity of groundwater supplies shall be maintained, and where feasible, restored through control of wastewater discharge and entrainment, runoff controls and prevention of groundwater depletion, enforced as follows.

- A. All new development for which water or sewer service is needed shall be connected to the City water or sewer systems. Permits shall be withheld subject to applicant compliance with this provision. Limited exceptions to this

requirement may be allowed by the review authority in special or hardship circumstances and where accompanied by specific findings.

- B. Existing development currently utilizing well and/or septic systems that do not meet health standards shall convert to City water and sewer. No permit for renovation, reconstruction, rehabilitation or renewal shall be granted without applicant compliance with this provision.

Section 17.71.045 states, in relevant part:

Coastal Development Permit.

- D. Application Filing Requirements. A coastal development permit application shall require submittal of at least the following items:

- 7. Evidence that adequate service capacity exists to serve the development. Applications for a coastal development permit for (i) land divisions, including lot line adjustments, mergers and issuance of conditional certificates of compliance, (ii) multi-family dwellings allowed by use permit in residential and commercial districts, (iii) mobile home parks allowed by use permit in residential districts, (iv.) residential care facilities allowed by use permit in residential, commercial, and public facilities districts, (v) organizational houses (sorority, monastery, etc.) allowed by use permit in residential districts:
 - a. Evidence that adequate services exist to serve the proposed development consistent with the requirements of Coastal General Plan Public Facilities Element Policy PF-A taking into account past, present, and probable residential development allowed in residential districts without a use permit,
 - b. Evidence that adequate service capacity would be retained to accommodate past, present, and probable coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in commercial, industrial, parks and recreation, and public facilities districts or land use classifications.

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**Appendix H: Excerpts from City of Fort Bragg certified LCP Related to Public Noticing, CDP Application Filing, & Proof of Ownership****RELEVANT IMPLEMENTATION PLAN (IP) STANDARDS**

Section 17.71.045.D states, in relevant part, regarding Coastal Development Permits:

Application Filing Requirements. A coastal development permit application shall require submittal of at least the following items:

1. For development on a vacant lot(s), a complete title history, including evidence that the lot proposed for development is a legally created lot, and information on the date and method by which the lot was created. Where the City determines that the lot(s) was created after the effective date of the Coastal Act, or was created prior to the effective date of the Coastal Act but without complying with applicable state or local requirements, either evidence of a valid coastal development permit authorizing the subdivision or other form of lot creation must be submitted prior to filing of any application for proposed development on the lot, or the subdivision or other form of lot creation must be included as part of the application request in order to be deemed filed. In addition, a listing of any prior coastal development permits issued for the property shall be provided.
2. A project description including maps, plans, photographs, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the Fort Bragg LCP, including sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the City will be adequately informed as to present uses and plans, both public and private.
3. A site plan, to scale, showing:
 - a. Existing and proposed property lines on the site, including all dedications, easements or recorded offers to dedicate easements, deed restrictions over or adjacent to the site and documentation for such recorded instruments.
 - b. Existing and proposed topography, at a contour interval appropriate to the size of the site to be developed;

- c. All existing and proposed structures and their uses and distances to lot lines, driveways and approaches, roads, parking and loading areas, utilities lines (power, telephone, sewer, water), signs, fences and other improvements. If applicable, indicate an addition to an existing structure with dotted lines;
 - d. Major natural and man-made landscape features, including location, type, size and quantification of acreage of any trees or other natural vegetation to be planted or to be removed or made subject to thinning, irrigation or other modification by the proposed project including building pad and road/driveway areas. Identify the size and species of all trees. Label each tree to be removed with an "X" through it.
 - e. Potential phasing of the project should be indicated.
4. An inventory of the plant and animal species present on the project site, or those known or expected to be present on the project site at other times of the year, prepared by a qualified biologist, or resource expert. The inventory shall include an identification of any species present that have been designated as rare, threatened, or endangered species under State or Federal law. Where the initial site inventory indicates the presence or potential for sensitive species or environmentally sensitive habitat on the project site, the submittal of a detailed biological report of the site is required, consistent with the requirements of Section 17.50.050 of this Development Code.
5. Building elevations, showing:
- a. All exterior walls; and
 - b. Type of roof and other exterior materials; and
 - c. Location and design of roof equipment, trash enclosures, fences, exterior lights, signs and other exterior structures and equipment.
6. Drainage and Erosion Control Plans as required by Chapter 17.62 of this Development Code.
7. Evidence that adequate service capacity exists to serve the development. Applications for a coastal development permit for (i) land divisions, including lot line adjustments, mergers and issuance of conditional certificates of compliance, (ii) multi-family dwellings allowed by use permit in residential and commercial districts, (iii) mobile home parks allowed by use permit in residential districts, (iv.) residential care facilities allowed by use permit in residential, commercial, and public facilities districts, (v)

organizational houses (sorority, monastery, etc.) allowed by use permit in residential districts:

- a. Evidence that adequate services exist to serve the proposed development consistent with the requirements of Coastal General Plan Public Facilities Element Policy PF-A taking into account past, present, and probable residential development allowed in residential districts without a use permit,
 - b. Evidence that adequate service capacity would be retained to accommodate past, present, and probable coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in commercial, industrial, parks and recreation, and public facilities districts or land use classifications.
8. Archaeology Analysis. For applications for development located in areas identified by the City or State as archaeologically sensitive, a site survey performed by a qualified archaeologist consistent with the requirements of Section 17.50.030 of this Development Code, including alternatives that would avoid or minimize impacts to resources and recommended measures to mitigate impacts to resources.
 9. Visual Analysis. For applications for development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1 of the Coastal General Plan (except development listed in subsection (B) of Policy CD-1.3 of the Coastal General Plan), a visual analysis as required by Chapter 17.50.070 of this Development Code.
 10. Geotechnical Report. For applications for development located in hazardous areas, a geotechnical report as required by Chapter 17.54 of this Development Code.
 11. Feasibility Analysis. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on coastal resources. For purposes of this section the term "coastal resources" shall be defined as including, but not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.
 12. Any other applicable materials required by this Development Code for concurrent entitlements;
 13. Any other preliminary approvals required by local, state and federal agencies;

14. Any additional information, required for specific categories of development or for development proposed for specific geographic areas where otherwise required by specific LCP policies or regulations, including but not limited to site specific filing requirements specified in: the Public Access Ordinance (Chapter 17.56), the Environmentally Sensitive Habitat Area Ordinance (Section 17.50.050), the Scenic and Visual Resource Protection Ordinance (Section 17.50.070), the Subdivision Ordinance (Article 8), the Hazards/Shoreline and Bluff Development Ordinance (Chapter 17.54), the Archaeological Resources Ordinance (Section 17.50.030), or the Water Quality Protection Ordinance (Article 6) of this Development Code.

Section 17.71.045.F states:

Proof of Ownership or Owner's Consent.

1. In addition to other information required to be submitted with an application, applicants must prove that they own the property which is the subject of the application or provide the City with written consent from the owner for the proposed development for the City to file the application.
2. Applicants for development along shoreline property or fronting a beach shall submit written evidence of a review and determination from the California State Lands Commission relative to the project's location to or impact upon the boundary between public tidelands and private property.
3. Where the applicant for a Coastal Development Permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the City shall not require the holder or owner of any superior interest in the property to join as a co-applicant. All holders or owners of any other interest of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.
4. Prior to the issuance of a Coastal Development Permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

Section 17.71.045.H states, in relevant part:

Public Notice.

1. Notice of Appealable Developments.
 - a. Within ten (10) calendar days of accepting an application for an appealable coastal development permit or at least seven (7) calendar days prior to the first public hearing on the development proposal, the City

shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to:

- i) Each applicant;
- ii) All persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction;
- iii) All property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed;
- iv) Local, regional and state agencies known to be interested in the project;
- v) The North Coast District of the Coastal Commission.

b. The notice shall contain the following information:

- i) A statement that the development is within the coastal zone;
- ii) The date of filing of the application and the name of the applicant;
- iii) The number assigned to the application;
- iv) A description of the development and its proposed location;
- v) The date, time and place at which the application will be heard by the city approving authority;
- vi) A brief description of the general procedure concerning the conduct of hearing and local actions;
- vii) The procedures for filing local and Coastal Commission appeals, including any local fees required.

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Appendix I: Excerpts from City of Fort Bragg certified LCP Related to Archaeological and Tribal Cultural Resources

RELEVANT LAND USE PLAN (LUP) POLICIES

Goal OS-4 states: Protect and preserve Cultural Resources.

Policy OS-4.1 states:

Preserve Archaeological Resources. New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.

Policy OS-4.2 states:

Archaeological Resources Report Required.

- A) Development located within areas of known or potential archaeological or paleontological resources included in (i) – (iv) shall be required to submit a report consistent with the requirements of section B below prior to approval of a building, grading, or coastal development permit for the development.
- i. Former Georgia Pacific timber mill. The entire property which comprises the former Georgia-Pacific timber mill site;
 - ii. Noyo Bay. The area located along the south side of Noyo Bay (e.g., Todd Point);
 - iii. Noyo River. All of the areas located adjacent to the north side of the Noyo River;
 - iv. North Fort Bragg Coast. All of the areas located west of Highway 1 and north of Pudding Creek;
 - v. Special Review Areas. All Special Review Areas identified on Map OS-2 in the Coastal General Plan; and
 - vi. Other areas identified by the Director. Other areas identified by the environmental review process (Chapter 18.72), or brought to the attention of the City through special studies performed after the enactment of this Section,

as having the potential for containing archaeological or paleontological resources.

- B) Report required. A project specific report shall be prepared by a qualified archaeologist and shall be submitted prior to filing as complete a coastal development permit application. The permit review authority may waive the requirement for a project specific report if the Director determines that an existing report satisfies the requirements of this section. The report shall be prepared consistent with the requirements of Section 18.50.030 of the Coastal Land Use & Development CodeAny habitat area that is rare or especially valuable because of their special nature or role in an ecosystem and is easily degraded or disturbed by human activities or developments.

Policy OS-4.3 states:

Halt all work if archaeological resources are uncovered during construction. Require an evaluation by a qualified archaeologist before recommencing construction.

Policy OS-4.4 states:

Locate and/or design new development to avoid archaeological resources where feasible.

Policy OS-4.5 states:

Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission.

RELEVANT IMPLEMENTATION PLAN STANDARDS

17.50.030 - Archaeological Resource Preservation

- A. Purpose. The requirements of this Section are intended to ensure that appropriate safeguards are established and followed in order to protect archaeological and paleontological resources whose potential location is identified, or which are actually discovered as a result of development activity within the City.
- B. Applicability. This Chapter shall apply to the review and approval of coastal development permits, grading permits, and building permits for all development located within areas known to contain, or potentially containing, archaeological and paleontological resources including as follows:

1. Former Georgia Pacific timber mill. The entire property which comprises the former Georgia-Pacific timber mill site;
 2. Noyo Bay. The area located along the south side of Noyo Bay (e.g., Todd Point);
 3. Noyo River. All of the areas located adjacent to the north side of the Noyo River;
 4. North Fort Bragg Coast. All of the areas located west of Highway 1 and north of Pudding Creek;
 5. Special Review Areas. All Special Review Areas identified on Map OS-2 in the Coastal General Plan, and;
 6. Other areas identified by the Director. Other areas identified by the environmental review process (Chapter [17.72](#)), or brought to the attention of the City through special studies performed after the enactment of this Section, as having the potential for containing archaeological or paleontological resources.
- C. Report required. A report shall be prepared by a qualified archaeologist and shall be submitted prior to filing as complete an application for a coastal development permit, grading permit, building permit, or other discretionary permit approval.
1. The report shall include a search of existing archaeological records including, but not limited to, those contained at the California Historic Resource Information Center at Sonoma State University.
 2. The report shall include a field survey to identify and evaluate all archaeological and paleontological resources in the areas of the site proposed to be disturbed by the project;
 3. At a minimum, the report shall identify and evaluate all archaeological and paleontological resources in the areas of the site proposed to be disturbed by the project, assess the effects of the proposed development on those resources, evaluate alternatives to determine if the development can be feasibly located and/or designed to avoid archaeological and paleontological resources, and recommend appropriate resource preservation and/or mitigation measures to adequately address the identified effects.

4. If cultural resources are identified, a copy of the report shall also be transmitted to the State Historical Preservation Officer and the California Historic Resources Information System for review and comment.

The Director may waive the requirement for a report if the Director determines that an existing report satisfies the requirements of this section.

D. Mitigation measures required.

1. Where proposed development activity will adversely affect archaeological or paleontological resources, the City shall require reasonable and necessary mitigation measures.
2. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission.

E. Discovery of resources. If there is the potential that prehistoric traces such as human remains, artifacts, or concentrations of shell, bone, or ash may be encountered during development activity, the City shall require the following actions be taken as a condition of any permit approval:

1. When, in the course of digging, grading, or any other activity associated with construction of an approved development project, evidence of archaeological, paleontological, or potentially significant historic resources is discovered, all development shall cease immediately and shall not recommence except as provided in subsection (6) hereof.
2. The Director and a qualified archaeologist shall be notified immediately of the discovery.
3. The Director shall notify the State Historic Preservation Officer and the California Historical Resources Information System at Sonoma State University of the discovery.
4. If human remains are encountered, the county coroner and the Mendocino County Archaeological Commission shall be contacted immediately. If the county coroner or archaeological commission officials determine that the remains are those of a Native American, local representative Native American organizations shall be consulted as to courses of action.
5. Prompt evaluation of the importance of the find shall be made and the proper course of action, acceptable to all parties concerned, shall be adopted.

6. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the permit review authority.
 - a. If the permit review authority approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the permit review authority.
 - b. If the permit review authority approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to the permit is approved by the reviewing authority.
 - c. The applicant shall undertake development in accordance with the approved supplemental Archaeological Plan.
- F. Monitoring. New development on sites identified as archaeologically sensitive shall include on-site monitoring of all grading, excavation and site preparation that involve earth moving operations by a qualified archaeologist(s) and appropriate Native American consultant(s).